ORIGINES PATRICIÆ;

OR

A DEDUCTION

OF

EUROPEAN TITLES OF NOBILITY AND DIGNIFIED OFFICES,

FROM

THEIR PRIMITIVE SOURCES.

BY

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"NONE CAN BE SAID TO KNOW THINGS WELL, WHO DO NOT KNOW THEM IN THEIR BEGINNINGS."—SIR W. TEMPLE.

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MDCCCXLVI.

TO

LOUIS PHILIPPE, KING OF THE FRENCH,

IN WHOSE PERSON
HAS BEEN HAPPILY REVIVED
THE ENNOBLING TITLE OF THOSE ANCIENT MONARCHS,
WHOSE POWER AND MAGNIFICENCE
WERE ESTIMATED, NOT BY THE EXTENT OF THEIR TERRITORIAL RULE,
BUT BY THE
MULTITUDE OF HEARTS ACKNOWLEDGING THEIR SUPREMITY,

IT IS NOT IMPROPER
TO DEDICATE A WORK FOUNDED UPON
THIS PRINCIPLE
OF TRUE AND NATURAL NOBILITY.

WERE IT OTHERWISE,
THE CONSIDERATIONS THAT THE PRESENT KING OF THE FRENCH,
NOTWITHSTANDING HIS ILLUSTRIOUS ANCESTRY,
ABLY DISCHARGED
THE DUTIES OF A PRIVATE CITIZEN,
AND SHEWED HIMSELF SUPERIOR TO ADVERSE CIRCUMSTANCES;

AND THAT AS A MONARCH,
HE WISELY APPLIES HIS CULTIVATED MIND
TO THE WELFARE OF HIS PEOPLE, WHILE HE PRESERVES
THE ESTEEM AND FRIENDSHIP OF SURROUNDING NATIONS;—

WOULD FULLY JUSTIFY
THIS MODE OF TESTIFYING THE ADMIRATION
OF SUCH AS HAVE LEARNED
TO VALUE MEN
FOR THE QUALITIES WITH WHICH THEY ARE ADORNED,
AND NOT BY
SUBSTITUTES FOR PERSONAL MERIT.

PREFACE.

There are not many subjects that have been more sedulously investigated than the titles which time out of mind have been appropriated to the more considerable land-owners. As history leaves us in the dark both as to the origin and the primitive meaning of most of the terms so applied, both scholars and heralds have very properly resorted to the assistance of etymology; but totally overlooking the condition in which our ancestors were placed at no very remote period, when the same titles were still in use, and when consideration in society was only to be obtained by bodily vigour and prowess, or by the exercise of some quality advantageous to the state, or the occupying of some public office, they proceeded upon an erroneous principle. They have sought for the meaning of titles, even of those which have obvious reference to the performance of some duty, in words of similar orthography, and

significant of our modern notions of rank, dignity, magnificence, or veneration. No thoughts of this kind either did or could enter the heads of the rude and barbarous inventors of titles. Other errors, less considerable, and dependent upon the mode of investigation pursued, directed my attention to the subject; and after much labour, and wearisome, because unguided, research, the following pages resulted.

I am not perfectly correct in saying that I was unguided. I had before my eyes the success which attended the investigations of the great continental philologists, one of whom, Professor Pott, by tracing European words through various forms up to the Sanskrit cognate or its root, has thrown new and valuable light upon the signification of many vocables that were hitherto doubtful or obscure. I have combined their processes, and in most cases detected the primary signification, generally under a Sanskrit veil.

With a view to enable others to follow each inquiry, an introductory chapter is given; and though inserted in other works, Dr. Grimm's neat and comprehensive canon of the mutation of consonants in their transition from one language to another, is copied, for the convenience of the general reader.

In full persuasion, that no ancient people employed words of the nature of titles in the loose manner that is observable in our times, and that they did not institute honorary or empty dignities, I conceived that by ascertaining the original meaning of the designation of an office, we should be better enabled to form a judgment of its original duties.

On this principle, I have proceeded to examine the titles of honor used throughout feodal Europe, without regard to country or language; classing them, not so much according to the rank, to which many of them are yet applied, as according to the duties that they appear to have originally denoted. It is not for me to say whether I have succeeded or not. The result has been to show, that some, to which a high dignity is now annexed, were comparatively inferior in ancient times, and that others, which are now sunk into contempt or disuse, were formerly of great account.

The mode of investigating the etymologies of the names or titles here adopted, being very different from that which has hitherto been followed, has necessarily conducted to very different consequences.

It was impossible to treat of the meaning of the words employed by feodalists, without bestowing some considera-

tion upon the extent of the influence acquired by their system. This step was rendered the more necessary, that one elegant and learned writer of our days has excluded Scandinavian nations from that influence; and another author of high reputation has taught that feodality originated in Roman laws and institutions, for so I understand his language. Others had already attributed the rise of the feodal system to the barbarians, who overran the lower empire, and several had also spoken of it as universal, and of considerable higher antiquity than the decline of Rome. I have, therefore, applied myself to collect a few of the more convincing proofs of its existence among the Northern tribes, from the remains of Scandinavian literature. I know not how such proofs can be rejected, without admitting that an entire people would establish offices, whose duties are feodal, that feodal usages might be practised among them, and that they would employ the most remarkable of the feodal formularies and terms, without being influenced by the system itself. The same observation applies to the Anglo-Saxons, who are scarcely allowed to have known anything connected with feodality, before the arrival of the Normans. It will be seen that all are not pretended to have possessed this principle of government in the same degree at any given era; although it might be contended, that in its simple state, before the

complete settlement of the barbarians in the Roman provinces, there was little or no difference among them; although certainly afterwards, the feodal law received considerable additions, of which some nations would adopt more, and others fewer.

This portion of the work might easily have been continued to a much greater length; but my object did not require a more minute examination or closer comparison, than was absolutely necessary to account for the use of the same titles and appellations among the different nations of Teutonic or Germanic and Scandinavian Europe.

In the Appendix, I have republished the remarkable poem called *Rigs Mal,* on the origin of the Orders of Society, with almost a literal translation in English. I refer to it here for the purpose of stating, that, as I have not always agreed with the Swedish translator in the sense of some words and passages, his Latin version may be seen in Dr. Jamieson's *Illustrations of Northern Antiquities,* by such as find occasion for dissatisfaction. The Glossarial Index will be found useful in showing the connexion of similarly spelled titles in different languages, and their common affinity to a radical form. The latter

is briefly stated, but the reasoning or deduction will be found in the pages indicated.

If the investigation has not resulted in tracing titles of nobility to words expressive of honor, or reverence, or admiration, as the derivations of others generally import, it shows that ideas of public guardianship, protection, and utility of several kinds, were generally the foundation of the offices whence the appellations of dignity emanated. If any of them do not accord with modern notions of the splendour of rank, it should be remembered that their inventors were a rude people, without wealth, and without magnificence, dependent for their subsistence upon pillage, pasturage, and the precarious success of the chace.

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&c. &c. &c.

CHAPTER I.

Asiatic Origin of European Titles.

1.—Historical research extended and facilitated by modern philology. 2.—The primary import of titular honours ascertainable by etymology. 3.—Prevailing errors of heraldic and legal authors and lexicographical etymologists in regard to titles. 4.—Selden misled by false philology. 5.—His *Titles of Honor* defective before the 5th century. 6.—Ill consequences of supposing primitive nations to have borrowed their ordinary words from each other. 7.—Classical and Teutonic languages coeval; first population of Europe. 8.—Importance of etymology as a science; Dr. Grimm's Canon of Consonantal Transition. 9.—Antiquity of Sanskrit. 10.—Closer affinity of Anglo-Saxon than Old German and Gothic with Sanskrit. 11.—Asiatic traditions apparently relating to early tribes settled in Europe. 12.—The Sakas and Sakasenas, now called Saxons.

Historical research assisted by scientific etymology.

1. The discovery of the intimate dependence of the European family of languages upon the Sanskrit, and the profound investigations of Rask, Grimm, Bopp, and other continental scholars, have completely changed the direction of etymological research, and elevated Teutonic philology to the rank of a science. Assisted by the monuments of history, we are now enabled to speculate in the darkest ages, with the certainty of obtaining reasonable results in many of the questions, which have hitherto remained un-

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answerable. To ascertain with precision, the ideas which were attached to terms by those who first used them, or through whom they have descended with additional, altered, or doubtful import, is most assuredly a necessary preliminary to a knowledge of the light, in which the things so signified, were regarded by their denominators. In words, expressing the first wants of man, the parts of the body, and the first relations of society, and, generally those which belong to laws, institutions, and the older customs of a nation, we may expect to learn, by means of the etyma, the particular or technical sense of the term when it became appropriated to one purpose. The most distinguished writers on the laws and institutions, of which the ancient terms have been preserved, are constantly found endeavouring to detect their primitive signification, not out of an idle curiosity, but a well grounded conviction, that a knowledge of the original import of the term is conducive to a fuller, if not a perfect knowledge of the subject itself.*

Primary import of titles, ascertainable by etymology, and necessary to understand the ranks denoted.

2. An inquiry into the origin of titles of nobility is essentially an investigation into the primitive acceptation of words. It is impossible to understand the nature of the rank, on its first acquiring political distinction, if we are ignorant of the meaning of its appellation. The name and the thing designated are inseparably connected in the first stage of their existence. Through the vicissitudes of language or manners, each may have ascended to a higher grade, or sunk to a lower, and for its denomination other

* So Judge Blackstone often appears to think; and particularly where, treating on the descent of the crown, he says, "Harold II. usurped the crown; and almost at the same instant came on the Norman invasion: the right to the crown being all the time in Edgar, sirnamed Atheling, which signifies in the Saxon language, *illustrious* or of royal blood."—*Comm.* I. *p.* 198. What atheling does signify will be shewn; what the learned Judge has explained is not the Saxon, but the low Latin *Clytus*, which appears for Atheling in the Monkish historians, who were equally unacquainted with Saxon.

uses may have been found. Were it not so, the assurance is by no means contemptible, that an archaic appellation has withstood the assaults of time, or that arbitrary custom has not willed it another condition of its existence. Changes of this kind, and the extent of them, are discovered by etymology, for it can admit of no doubt, that those who found it necessary to distinguish the orders of society by separate appellations, employed such only as conveyed an exact idea of their nature, as it was then understood. An opinion of this kind is unquestionably the reason, that in all treatises on nobility, the etymology of its titles is found to constitute the earliest subject of consideration.

Erroneous investigations of heraldic and professional authors.

3. One prevailing fault vitiates all the works that have hitherto been undertaken in illustration of the rise and progress of titles of honor. The writers occupying themselves with orthographical coincidences in languages, have neglected to institute a comparison of terms belonging to the same root in the cognate dialects. Even in works professedly etymological, and published several years after the promulgation of Dr. Grimm's canon of the changes to which the mute consonants conform in their transition through the Indo-European languages, a blind dependence is still placed upon conjectural etymology, in cases where certainty was no longer of difficult attainment.* We are,

* The following etymologies of "baron" are transcribed as favourable specimens from Dr. Webster's Dictionary published in 1828, and Dr. Richardson's published in 1836. The canon was promulgated in 1822, but these gentlemen seem to know nothing about it: the Sanskrit is false, and the reference to the Shemitic questionable :—

"BARON. Fr. *baron*; Sp. *baron* or *varon*; It. *barone*; Sansc. *bareru* and *bharta*, a husband. This word in the middle ages was written bar, ber, var, baro, paro, viro, virro, viron. It is the vir of the Latins, Sax. wer; Ir. *fir*, *fear*; W. gwr for guir, gevir. The Saxon wer, L. vir, is doubtless the Shemitic geber, a man, so named from his strength."—*W.*

"BARON. Fr. baron; It. barone; Sp. baron. Etymologists have written very unsatisfactorily about this word. Tooke derives it from the Goth. bairg-an—('A baron is an *armed*, defenceful or powerful man.') See Spelman and Vossius."—*R.*

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therefore, without any guide in an interesting branch of knowledge.

4. Selden, it is true, compares the ranks denoted by titles of honor in different countries, but he derives each term without reference to the sense in which it was understood, whether as a title or a simple word, by the several nations to whom it belonged. Thus, for instance, he endeavours to connect *bachellor*, a title common to the South Western States, with the appellation of a class of Greek soldiers in the lower empire, without trying the value of the word in each, and without enquiring what assistance could be derived from the Teutonic designations of the same rank.

Selden, misled by false philology.

This great man was misled by the false philology of his age. With a sufficient stock of the kind of erudition requisite for the purpose, he fails for the most part, when he investigates the primary import of the names on which he is engaged, and which he found consecrated to the most illustrious stations of human life. Associating the present splendour of the rank with its denomination, and generally imagining that a grand or a reverential idea was constantly annexed to the term under examination, he seeks for its etymon in the same or some foreign language, regulating his choice by the external similitude between the title and the supposed original. Other etymologers have pursued the same course, and few, if any, of those who particularly directed their attention to titles of honor, have done more than implicitly adopt the erroneous results of his inquiries. The progress of society, independently of the philosophical etymology of its terms, suggests a different origin of patrician appellations. The humble canoe of the skin-clad savage grew by degrees into the tall ship; the cudgel of the primitive *righter* of village strifes became the mace of the war chief, which the art of the goldsmith eventually fashioned into a sceptre; the plumed helmet was once an iron skull-cap, and the imperial crown is no other than the same skull-cap lightened with perforations, and glittering with jewels. As the useful and the necessary precede the

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agreeable and ornamental in the household of a prudent family, so it has been in the arrangement of society; its first officers were indispensable; their utility rendered them permanent, and they gradually subsided into the decorative order of nobility.

His Titles of Honour defective before the 5th Cent.

5. Nothing can be more satisfactory than the profound disquisitions of this learned writer on the condition of nobility subsequent to the settlement of the States of Europe on the basis of the Gothic conquests. All before this period is conjectural, or sustained by a false etymology. It was a strange delusion in a man like Selden, to imagine that the Northern Warriors, who established their own institutions on the site of the Roman Law, which they swept away,* copied the usages of the vanquished—that they imitated the manners of a people whose luxury and effeminacy they must have regarded with contempt, and that, owing only a reasonable submission to their elected chiefs, they immediately abolished their vernacular titles, consecrated by the remotest antiquity, and expressive of ideas related to freedom, in order to adopt those of slaves who acknowledged the will of the sovereign to be the supreme law.† This etymological system prevented him from perceiving that the titles of the empire were servile copies or inadequate translations of terms, with which an acquaintance had been acquired in the German wars, and which, significant of feodal relations, could not be the property of a people who for centuries had so completely lost all knowledge of the system of feods as to look upon the polity of the German nations as an extraordinary phenomenon of the moral world. Considering Selden, however, as having most fully and satisfactorily treated the subject of titles of

* It was totally forgotten from the settlement of the conquerors in the fifth century, until a copy of the digests was accidently discovered at Amalfi in the twelth.

† "Quod principi placuit legis habet vigorem."—See the quotations in *Blackstone, Comm.* I. 74.

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honor, after the overthrow of the empire, no attempt will be made in the following disquisitions to tread in his steps; but there are, nevertheless, facts, collected by this diligent inquirer, which it will be essential to employ occasionally in illustration: and these will be carefully assigned to the proprietor. For though two men, when they are occupied with the same subject, may remember the same passages, and in consulting the same books will unavoidably make a very similar choice, it is but just to give him the preference who first showed the way.

Primitive words.

6. Analogous to the fundamental error in philology, by which the staple words of a tongue are referred for their originals to the strange languages of remote and, it may have been, unknown people, and by which whole nations are presumed to have borrowed the signs of their own ideas from dialects which they neither spoke nor understood,* is that of regarding archaic titles as expressive of the honor and respect paid to their bearers. Instead of this being the case, it will be found that generally they are significant of some circumstances in which the primitive bearers were placed in relation to the people or the state, and sometimes to themselves. The consequence of this mistake is to invalidate just analogy, to contradict history by false interpretations, and to limit the existence of the oldest institutions in Europe to a date comparatively recent.

Classical & Teutonic tongues coetaneous.

7. Unassisted reason assures us that the people who first passed the land marks of Asia and Europe brought with them their own forms of speech, and consequently their own appellations of the leaders who directed their enterprise, whether that were a sudden incursion of freebooters,

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* Adelung, after showing that the nose had been called by the same name among half a dozen antient people in the north, notices the common derivation of the name from the Latin *nasus*. His remark is of more general application. If, he says, *nasus* be the origin of the word, we are to conclude that all these nations were unable to give their noses a name until they had learned what to call them from the Romans.

or the gradual progress of pastoral tribes. As the languages at present spoken in this quarter of the world, still find the models of their materials, and even of their internal structure in the Sanskrit, we can have little doubt that the names of offices, now become titles of nobility, were introduced at the same time as the bulk of their words, which like them, yet bear the Asiatic complexion imperfectly concealed under their western costume. The epoch of the first population of Europe is not to be determined. We, however, know more than enough to overturn the theories of modernisers,—that 2600 years ago the Roman name began to be feared South of the Danube, and that the North and East of Europe were occupied by Scythians, who were dispossessed by the Getæ, about 300 years before the Christian era; and we also know that, nearly at the same time, two tribes of people from the borders of the Baltic Sea, descended upon the Roman coasts. "If, therefore," says Col. Vans Kennedy, in one of those erudite works which have contributed to effect the revolution in philology, "the authority of ancient authors* is esteemed preferable to the mere conjectures of modern writers, it must follow that 300 years before the Christian era, the country which extends from the confines of Macedonia, along the Hellespont, Propontis and Euxine Sea to the Borysthenes, and from the Hellespont and Euxine on both sides of the Danube to the frontiers of the Suevi, were occupied by a simple race of people, who were Thracians, and not Scythians: nor can it admit of a single doubt that the Thracians derived their origin from Asia Minor, and not from Scythia, eastern or western."†

First population of Europe.

8. The happy conjunction of the study of Sanskrit with that of the Teutonic branch of languages, has solved a problem, which the wide domain of the Thracians alone would

Transition of mute consonants.

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* "Strabo, VII. p. 30. Pausanias, Attic. c. 9."

† Researches into the Ancient and Hindù Mythology, p. 95.

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not have accomplished. As the Sanskrit is the parent of all,* it is no longer difficult to explain why the Old Norse or Icelandic, the language of Scandinavia, "where Roman foot never trod," bears a close affinity to the Roman language, both possessing words in common of the same import, and varied in orthography upon an unvarying principle, presenting a uniform unlikeness, and why other orthographic changes, of like uniformity, are found in Old German and Anglo-Saxon. In the knowledge of the nature of these changes the rule founded, by which the modern philologer traces the affinities of the words spoken by people, remote by geographical position, and still farther removed by mutual ignorance of their respective languages, manners, customs, and, it may be, existence. Frequent reference, in pursuits of this kind, is therefore made to the discoveries of Bopp of the affinities of vowels, and to the law or canon of consonantal transition through the chief Indo-European languages, promulgated by Dr. Grimm in 1822; but to exhibit it in a tabular form will probably facilitate acquiescence in results, which are so completely at variance with those of preceding speculators respecting the import of titles, and the terms belonging to the institutions connected with them. Many repetitions, and much labour will thus be obviated, and there will be less necessity for insisting upon the probable correctness of views, which are not directly stated by historians, but which are still corroborated by their facts. According to this canon, as a general expression, a classical aspirate corresponds with a

Grimm's Canon of Consonantal Transition.

* This may not be strictly true; but as Sanskrit literature is unquestionably much more ancient than the oldest of the Teutonic remains, and as also it has been preserved in greater abundance and perfection, there is a convenience in referring to it as if it were the parent, instead of being what is more probable, only a sister dialect. If we do not find the radical signification of a term in any of the European class, and succeed in discovering it in Sanskrit, we may consider the latter as the original without real mischief, although in point of fact it is only a surviving relation.—See M. Diefenbach's review of Prof. Pott, in the *Heidelbergisch. Jahrbüch.* 1839, *p.* 450.

Gothic medial and an old German tenuis, and so on as follows:—

Gr. & Lat.	*Goth. & A-Sax.*	*O. High Ger.*
aspirate	medial	tenuis
tenuis	aspirate	medial
medial	tenuis	aspirate.

Or, more particularly, the correspondence among the labials, linguals and gutturals in the same languages, are shown thus: a Greek P or Lat. F answering to the Gothic B and a German P, and so on:—

Gr.	*Got.*	*O.H.G.*	*Gr.*	*Got.*	*O.H.G.*	*Gr.*	*Got.*	*O.H.G.*
P	F	B,V	T	Th	D	K	H,G	G
B	P	F	D	T	Z	G	K	Ch
F	B	P	Th	D	T	Ch(lat.H)	G	K

This canon, according to which, in the words of Dr. Grimm, the identity of words depends upon their outward unlikeness,* overturns by far the greater part of the etymologies that have hitherto been received as established verities, and creates an immense gap in this department of literature. As it is invariable in all cases where words spring from the same source, it is of admirable use in determining affinities and the order of descent; but to obtain the primary import of the connected terms, recourse must be had to their common parent. On this account, it is proposed in the following disquisitions to push the research

* Deutsche Grammatik, vol. I. p. 584. The canon may be read thus: a Greek or Latin word in which a *p* occurs, will have its corresponding Gothic or Anglo-Saxon with an *f* in the same position as the *p*, and its old High German correspondent will have *b* or *v* in the same position. Generally the Sanskrit corresponds with the Greek: thus—

Skt.	*Gr.*	*L.*	*G.*	*A.-S.*	*O.H.G.*	*Engl.*
Pada;	Pous, pod-os;	Pes, ped-is;	fot-us;	fot (*plu.* fet);	vuoz;	foot.

The Gr. S=W Got; the Lat. CU (QV)=HW, Got. & A.-S. WH Engl. and W Germ. The Gothic *th* mostly answers to the Anglo-Saxon *dh*. Dr. Grimm says "Words in which two changes of consonants agree with the rule (τρεχειν, thragjan — ποδες, fotjus) are doubly certain; those in which one consonant agrees, the other varies, are suspicious; still more

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into the Sanskrit wherever practicable, for it is not imagined that every attempt to detect an origin will be attended with success. The advantages to be derived from this source result from the ease and certainty with which, in this language, every word may be traced to its elements or the simplest form of expressing the idea of conception. Farther etymology cannot pass; for it does not seem likely that we shall discover why particular forms are appropriated to particular ideas.

9. About 3000 years it is supposed must have elapsed since the Sanskrit ceased to be a living language.* Col. Vans Kennedy, whose profound erudition entitles his opinion to the greatest weight, believes it to have been Babylonian, the immediate parent of the dialects of Asia-Minor, whence the Thracian, now extinct, was derived. The latter, he also thinks, was the original of the Northern and Teutonic tongues, and the Latin the parent of French, Italian and Spanish, according to the following scheme, detached from his tables of the filiation of languages:†—

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suspicious are those in which the consonants remain unaltered in the three languages. In this case, either all relationship fails—as (A.S.) päds, paduas, *callis*, *παϑος*, *dolor*; or else one language has borrowed from the other; thus scriban is scribere itself, frucht is fructus. Hence we see that in examining the derivations of words, we have less to inquire into the resemblance of the consonants than into the order of their descent in the above series, an order which allows neither of inversion nor alteration. Thus, if in an O. H. G. word we find a *p*, and in the same position in the corresponding Gothic word, a *b*, and in the Latin an *f*, we may conclude that these three words descend from a common stock, of which each language possesses its peculiar derivative, unborrowed from any of the others. If, on the contrary, we find an *f* in High German answering to a *b* in Gothic, and *p* in Latin, the order in which these letters appear is contrary to that pointed out by the table, although, abstractedly considered, they are truly related. A Greek *τ* requires a Gothic *th*, but the Gothic *t* instead of a Greek *θ* requires a *ϑ*; and thus the identity of the words depends upon their outward unlikeness."

* "The oldest Persian writings reach back no farther than the ninth century, while the latest in Sanskrit and Zend extend at least several centuries before the Christian era."—*Wining, Manual of Compar. Philology*, p. 27, 8.

† Researches into the origin of languages, p. 221.

Babylonian, or Sanskrit
|
Languages of Asia Minor
|
Latin | Greek, the language of Asia Minor. | Thracian, extinct.

Latin → French, Italian, Spanish, &c.

Thracian → Anglo-Saxon, German, Swedish, &c.

Affinity of A.-Saxon with Sanskrit stronger than that of Gothic and Old German.

10. The Anglo-Saxon agrees in more respects than the Old German with the Gothic, and it differs from both in a remarkable particular, which can scarcely be explained on the supposition that they are derived through a common medium from the Sanskrit. As an example, Dr. Grimm's case of the Greek *odous* (a tooth), and its etymological equivalents will answer :—

Gr. & Lat.	Gothic	*O.H.G.*	*A.-Sax.*	*Engl.*
odous (*pl.* odontes)	tunthus	zand	todh	tooth
dens (*pl.* dentes)				

The Danish and Swedish *tand* agrees with the three first in taking the nasal, which is absent from the Saxon ; and in noticing this very circumstance, it has been hastily concluded that the disagreement " is a modification on principles peculiar to the Saxon dialects."* This is, to say the least, very questionable, because not only is *dat*, in Sanskrit, a tooth as well as *dantah*, the original of the Latin, Gothic, and German words, but six of the eight cases of *dantah* reject the *n*, which forms no part of the *dhata*, root, or crude state of the noun and its verb, which is *das*, to bite, the evident original of the Greek singular.†

In a number of other words, Anglo-Saxon, Gothic, German, and Norse, there is the same difference, the first being

* Blackwood, for 1841, p. 203.

† Professor Pott, who regards the *n* as an additional letter in the word, strangely classes *dat*, *danta*, and their cognates or derivatives under the root *ad*, comedere, to eat. "*Dat* (deus) in Compp. ist Particul. mit Verstümmelung vorn ; eben so Lat. *d-ent*. Gr. *od-ont*. Mit neuen Ansatzbuchstaben S. *dant-a*, Pers. *dendân*, Oss. *dend-eg* ; Litt. *dantis* ; Goth. *tunthus*."—*Etymologische Ferschungen*, *th*. I. *s*. 242. Mr. Wilson refers it to *dam*, to *tame*, subdue.

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without the nasal, which the others have inserted, not retained; for instance, the Gothic has *gundh*, Norse *gunni*, and O. Germ. *gund*, war; but the Saxon has *gudh*, which is the Sanskrit *yudh*, to fight, *yuddha*, war, battle. Again, there are a number of words which in Sanskrit are characterized by the guttural *nga*, which in Greek and Gothic are written with *gg* or *gk*, but which in the other languages take *ng*. No particular stress is laid upon this circumstance, but still it should be taken into consideration with the former, and with the fact, that an astonishing number of words exist in Anglo-Saxon and English, which are scarcely altered in orthography from the Sanskrit, and still less in signification. To insert these, or any considerable portion of them, is not to be undertaken here,* but there are too many to admit a supposition that they are accidental.

Asiatic Traditions

11. The inference seems to be that the Saxons did not derive their language through the same medium as the others, and even that it was more nearly related than they to the Sanskrit. Very antient traditions of the Hindûs are extant in the Puranas, respecting the wars and dispersion of people on the confines of India, whose appellations bear a striking resemblance to those of European nations. The family of Gautama or Jutama (lord or tamer of the cow), whose mode of worship was the asvamedha, or sacrifice of a horse, remind us of the Gothones and Jutones, Goths and Jutes, and their sacrifices of the horse. Among their allies were the *Romakas*, the Sakas, and a tribe of them called Sakasenas. Others relate to the Danavas or children of Danu, who appears to Danur, the first king of

* Several cases of the kind occur in the subsequent pages, particularly in treating of the A.-S. title of honor *gesidh*. It may be incidentally noticed that the A. S. also sometimes differs from the Latin in this particular respect; for instance, the A. S. *lidh*, gentle, is the Latin *lent*-us slow, Germ. *lind;* soft gentle, in O Norse *lin-r, id.*, but the Sanskrit root, to which all must be referred, is *lut*, sometimes *rut*, to sink from weakness, to shine, where *t*, being a *cerebral*, may account for the difference. The Gr. *lit-os*, simple, seems to answer to the A.-Saxon. The Gothic has been lost.

the Danes. These came into India under the command of Beli, who was then named Dana-vendra, as if the Danes and the Vendils of Jutland were allegorized. The story of the Strirajya or government of women, may not be unconnected with the Kuennar, or nation of women to the east of the Gulf of Bothnia. In addition to these coincidences, there is the tradition that *Varaheswara*, the lord of the boar, once reigned over a people in a remote country in the west, where their posterity still remain under the form of Varahas or boars, as if this tradition related to the Wagri, a general name of the Scandinavians, among whom, as well as among the Saxons and Germans, the boar was a sacred animal, of which the effigy profusely decorated their armour and ensigns. Another tradition is occupied with the divine cow Savila, and we find in Scandinavian fable, a supernatural cow, named Sibilia, held in great veneration by the Swedes of Gothland.*

Things of this kind are certainly curious, but it is dangerous to build a theory upon them, for it may just as well have happened that the tales were constructed upon imperfect accounts of Europe, as that the people so named are identical with the Asiatic settlers in Europe. An exception, however must be made of the Sakasens.

Sakas and Sakasenas.

12. By some writers the Asiatic settlers in Europe are termed "Sacæ," and by others "Sacasens,"† as being the progenitors of the whole Teutonic family; but if that were the case, those settlers, as is most probable, consisted not of one but of several tribes, speaking languages radically the same, but differently characterized. There also seem

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* Sagann af Ragnar Lodhbrok, c. 8 and 9.—Also Sibylia. Biörner, in the preface to his Kämpathattor, thinks this cow is the same with the goddess Cybele.

† Sakah, inhabitants of Saka, which is also the appellation of any prince who gives his name to a particular era. Generally, Salivahana is the sovereign to whom the term refers, and his followers are called Sakah. The root is *sak*, to be able, and the initial is slightly aspirated, but does not exactly sound like *sh*.

to have been several immigrations of these mixed tribes: Scandinavian tradition speaks of the flight of Odin and his Tyrks, or Tyrians, from the power of the Romans, and their occupation of the Northern regions; the date of this event, about 70 years before Christ, is so recent that it is impossible to consider it as the first settlement of Asiatics in those parts. The Nemet Sass, or German Saxons, as they are termed by their Slavonic neighbours, have been long settled in the province of Scepus to the north of Hungary, under Mount Krapak; but there seem to be no very good grounds for believing with D'Anville, that they are descendants of Saxons transported thither by Charlemagne. They may have been left behind on the original march, while the great body of the *here*, or host, pursued their fortunes more to the north-west. Added to this, and concurring with the Oriental appellation of the Danavendra, we find the Vendils or Vandals, at the north of Jutland, and along the southern shore of the Baltic, at the same time that the Venedi were on the shores of the Adriatic, and that the Anglo-Saxons knew the Mediterranean as the Wendel Sæ, or Sea of the Vandals. The language of the Venedi was Slavonic, but the Slavonic is also related to the Sanskrit.

As the Asiatics, Thracians, or Sakasens, long retained their native manners and customs, we may reasonably expect to find among them the same appellations of their chief governors and magistrates. And this is the case, with the exception of the Romans, whose destiny conducted them to a more populous region, where immediately beginning to found cities, they necessarily adopted a form of Government suitable to their new circumstances. The feodal polity, under which they had lived like all their Asiatic brethren, was dropped on the expulsion of their kings, and the influence of the municipalities substituted the dominion of the senate, a body purely aristocratical. Nothing can conduce so much to an erroneous conception of the Germanic institutions as reference to the Romans for an explanation of the terms by which they denoted and

continue to designate the first orders of their society. By tracing them, when possible, to the Sanskrit, or, when that resource fails, by pursuing them through their systematic modifications in the different dialects, we may often obtain the signification which was originally attached to them; and as the inventors of words did not apply them to the things which they were not intended to express, we acquire a knowledge of the nature of the office or rank to which each title was annexed. If we do not find it enveloping the gorgeous ideas with which modern rank is invested, we are assured in recompense of our trouble, that the terms now appropriated to ornament, were originally applied to useful and sometimes necessary members of society. By the same process we are enabled to relieve several happy conjectures from the doubts which have been thrown over them, by men who have reasoned in the confidence of a false philology; and at the same time, to award to the appellations of nobility an originality and an antiquity far surpassing the utmost reach of preceding inquirers, although possessed of infinitely more learning and patience of investigation.

When etymology corresponds with known facts and existing circumstances, we have a criterion of its truth, without the necessity of recurring to Grimm's canon, with which, however, it will be found to agree. When the correspondence is found to take place with a great number of such facts and circumstances, it is not unreasonable to rely upon etymology for other facts, which are but indifferently established. If, for instance, some orders of men are denominated from the different appellations of a house, and we find them at the same time described as household officers, it is a just inference when another denomination is traced to the appellation of a house, if there be nothing contradictory in it, that the persons to whom it was applied, were domestics, although we have nothing further to confirm that inference.

It is believed that a new, and, it may be, a useful light, is now thrown upon very ancient titles, designations of

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office, and terms connected with legal and other customs; many of which have occasioned great perplexity through interpretations that have been founded upon erroneous derivations. The thing and its appellation have thus been frequently at variance; but by proceeding upon rational principles instead of conjectures based upon the apparent resemblance of words, it will be found that the titles of chiefs, the denominations of subjects and dependants, the appellations of their lands and tenure of them, the pay or recompence of their services, and, saving a few titles drawn from personal qualities, the names of some inferior dignities—are all uniform in their tendency to a primary signification, connected with that first law of nature which directing men to preserve themselves is the foundation of municipal society.

CHAPTER II.

That the chiefs of the Sakasens and the first Romans were distinguished by titles significant of the care due from them to their followers.

1.—Aldor, and Elder, originally the appellation of a chief without reference to age or other bodily accident. 2.—Invariably used in the sense of a prince. 3.—Is the etymological cognate of the Latin *altor*. 4.—Aldii and other terms derived from the same root. 5.—Aldor-men kings or chiefs. 6.—Attaman, what. 7.—Altheirrin, chiefs of the Germans. 8.—False derivations of Alderman; old age not esteemed by rude nations. 9.—Ealdor, Alder and Elder were not used as adjectives, but in their own substantive character. 10.—Terms and names of places allusive to the residence or occupancy of the aldor; alodh, or ale, liquid nutriment; alod and alodium, land so called from serving for alimony; franc-aloud, free alimony. 11.—Feodal lords among the Rajpoots of Mewar.

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ALDOR.

ELDER.

1. In the German and English languages there is an archaic word, of which the derivation, and consequently the true import, have been widely mistaken, but which, employed as a title at the dawn of feodalism upon Europe, still conveys a clear notion of the bond that united the chief and his followers. This significant term is *Elder*, a ruler, which, even in its less deceptive form of *Aldor*, in Anglo-Saxon, has been universally regarded as an adjective, used substantively to denote a person advanced in years, and, when applied to a man in authority, as implying one that has been raised to eminence on account of his age and experience.

2. Aldor, or *Ealdor*, which is precisely the same word, with a dialectic orthography, invariably occurs in the sense of a prince, a ruler, or a chief, but is never found to denote an old man:

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Hy on wig getawum	They in their war habits
wirthe thinceath	appear worthy
eorla geæhtlan	of earls' possessions:
huru se Aldor deah	at least the aldor is powerful
se tham heathe rincum	who directed hither
hider wisade."	these stately warriors.

Beowulf, 773.

As an epithet proper to a powerful monarch, it is applied to king Hrodhgar, or Roger, in the same antient poem:

Sele weard aseted	The appointed hall warder
sundor nytte beheold	held his peculiar office
ymb Aldor Dena.	about the aldor of the Danes.

L. 1327.

In the same sense and orthography it is found in the Laws which the "aldoras" enacted for Kent in 673; but by a mode of notation peculiar to the Anglo-Saxons, by which a long *a*, *au*, and a long *o* were represented by *ea*, the word is sometimes written *ealdor*, in Beowulf, but without altering the signification:

Nealles frætwe geaf	Nor ornaments gave
Ealdor dugodhe."	the Eldor to his nobility.

L. 5834.

It should also be observed that the manuscript of this poem is the work of two scribes, of whom he that wrote the earlier portion used aldor, and the other ealdor.

Altor.

3. Ealdor, more antiently and more conformably to the other dialects, aldor, employed to denote a chieftain, exactly corresponds in etymology and literal import with the Latin *altor*, one who provides the means of living, a nourisher, supporter, maintainer; for as the Gothic D constantly answers to the classical T in cognate words, and as *altor* regularly proceeds from the verb *ale*-re, to nourish, so its equivalent *aldor* is regularly formed from the A.-S. verb *ali*-an (Goth. *alj*-an, O. H. G. *ale*-n, O. Norse *ala*), to nourish, feed, maintain. Of all these verbs the sensible idea is found in the Sanskrit *alu*, an edible root,* which is

* The arum campanulatum; but in the modern dialects it is applied to the yam, the potato, and other esculents.

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thus named from *al*, the verbal root, or simple expression of the abstract conception of the verb to have power—power to preserve, protect, maintain. In this sense the modern Germans retain the word.

Aldii.

4. On this primitive signification of *altor* and *aldor* a number of words in Anglo-Saxon and Latin are dependent. The subjects of the aldor, in no distant age, were called aldii by the Latin writers for *aldan* in Saxon and *alden* in German, which, it will be perceived, is the equivalent of the Latin *alti*, the nourished, both being the participles of their respective verbs, and contracted in the very same manner, by the suppression of a middle vowel *i*.* Much after the same notion of men as the consumers of food, provided by a chief, one of the Sanskrit denominations of an army is *chamuh*, the eater. After the subjugation of Italy by the Lombards, the term alden was restricted to a class of people in a servile condition; but even in its Latinized form of aldii, whose progeny were the aldiones of *Aldiones.*

* In Latin *alt-us* is the contraction of *alit-us*, nourished; and in Gothic *ald-s*, that which is nourished, life, is contracted from *alid-s*, nourished. The Saxon and German words follow the same process. The existence of the part. alids is evidence that the Gothic possessed aljan, to nourish; yet Junius, in his note on the words "alidan stiur," (the fattened calf, *Luc.* xv. 23.) attemps to derive it from the Greek *aloain*, to bruise corn.

The meaning of the root is alluded to in the Eddaic poems, where Aluviss, in answer to a question what *aul*, ale, may be, replies that men name it aliment

"Öl heitir medh monnum."

Thus there is more of truth than commonly believed in the jocular etymology of ale *ab alendo*. The mythological Aluiss appears to be an importation of the Saye Alavala, who, in the Indian system of fable, was the tutelary genius of gardens and orchards, that is of herbage and fruit, or vegetable nutriment. "The name Ala," says Col. Wilford, "is produced into alavala, to denote the trench dug round trees for the purpose of watering them; and it seems to be the root of ʽαλωὰ, a vineyard or orchard; ʽαλωη, in the same sense; ʺαλονα, gardens, and ʽαλωευς, a gardener or husbandman."—(*Asiat. Res.* III. *p.* 441.) To explain Alviss upon purely Icelandic principles is puerile.

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the antient Laws,* the primitive force of the term as a participial noun is clearly discerned.

ALDORMEN.

5. Though the title of aldor is given to a Danish king, in Beowulf, there is no direct testimony that it was ever recognized among the legitimate appellations of royalty in Scandinavia or in Jutland. It may, however, have been in use among the Danish islanders who joined the Anglen in the invasion of Britain,† and who came under the description of East Danes:—

Eow het secgan	My victorious lord
sige drihten min	the Aldor of the East Danes,
Aldor East Dena	bids me to tell you
thæt he eower æthelu can.	that he knows your nobility.
Beow. 717.	

6. Of its use among the Saxons there is abundant testimony. The Old Saxons (says Beda) had no kings, but a great many chiefs ("satrapas") over their people. In time of war they drew lots, and that chief upon whom the lot fell they obeyed as their leader. On the return of peace, they resumed their former state, and were again chiefs of equal power. By a pleonasm these satrapæ or chiefs were occasionally in early times, but constantly after the Heptarchy, called *Aldor-Men*, or *Ealdormen*, as in king Alfred's translation of this passage. On the same principle, it may be observed, was constructed the antient title of ataman or attaman, a chief of Cossacks, which consisting of the Sanskrit *ad*, eat, *attum*, to eat, and *man*, appears to denote the provider of edibles, the maintainer of his people.

Ataman.

7. The writer of the early portion of the Saxon Chronicle styles the two first kings of Wessex, "ealdormen,"‡ and the Laws of Kent are expressly said by king Lothaire

* Aldiones vel aldiæ ea lege vivant in servitute dominorum suorum, qua fiscalini vel liti vivant in Francia.—*Const. Car. M. tit.* 20.

† King Alfred's Orosius, *fo.* 11, b.

‡ Her cwomon twegen ealdormen on Brytene.—*Ann.* 495.

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and Edric, to be augmentations of the same laws which the aldoras had formerly enacted.* These aldoras were probably the same chiefs who are called ealdormen in the Chronicle. The antient princes of the Germans were styled *altheirrin*, not old lords, but protecting and maintaining lords, and in the rhyming legend of St. Aunon, the Roman senators are distinguished by this appellation, which is also that of the town councillors of Nordlingen in Suabia at the present day.†

Altheirrin.

8. As the Germanic nations, and, indeed, all antient people, attached precise notions to names and titles, and as the latter most commonly express the nature, quality, or some attribute of the office which they designate, it is often of importance to ascertain the original acceptation of their descriptive or distinguishing terms and appellations. The utility of appealing to etymology for this purpose was felt by the compiler of the code which bears the name of Edward the Confessor. He has endeavoured by this means to explain several archaic titles, but, as might be expected, his derivations are egregious failures, and except that of aldorman, have all been rejected by later etymologists, who contentedly adopt his opinion that it signifies a senior or aged person. In this number it is unpleasant to meet Judge Blackstone, who, having just observed truly, that "dignity and duty were never separated by our ancestors," nevertheless, when speaking of earls, says that "they were called ealdormen, *quasi* elder-men, signifying the same as senior or senator among the Romans," and "schiremen also, because they had each of them the civil government

* Hlothaire and Eadric cyningas ecton tha æ tha the heora (*viz.* thæs folces) aldoras ær geworhton.

† "Altherren."—It is not to be denied that *alt* frequently signifies age; Goth. *alds*, A.-S. *ald*, Norse *aldr*, life, age; but this sense is secondary and derivative. Ald, alt, *old* implies so much of life as a person has prolonged by nutrition, from the first sense of ald, that which is nourished. The Saxon *lif*, Engl. life, to live, are cognates of the Latin *vivere*, from the Sanskrit *jiv*, live, the *j* becoming *l* in one language and *v* in the other.

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of a several division or shire."* But it behoves more accurate inquirers to dismiss the foundation of this error with all expedition. The rude people who invented our words, depended upon bodily strength and agility for their livelihood and the continuance of their society. Those qualities were of the highest value to them as huntsmen, herdsmen, and warriors. They were their virtues, and the possessors of them in an eminent degree became by the formal choice of the general body their leaders and princes,† while their men of dexterity, or handy men, were their wise men.‡ The opposite qualities were their vices, and such of the tribe as were weak, deformed, or otherwise unable to defend the state, were put to death.§ From this extreme policy we may infer the hazardous and precarious life of the first roamers of the European forests; but it forbids us to seek for a title of honor or office among the names of conditions and qualities, useless and burdensome, if not absolutely odious, to men occupied in the pursuit of game and perpetually engaged in hostile aggression and repulsion. Old age was held in no great esteem by a people whose very existence demanded the incessant exertion of bodily vigour, and whose labours, individual or collective for the support of life, would necessarily be augmented, and, perhaps obstructed, by subsisting the helpless. One of the laws ascribed to Alf, the pirate, is founded on the same principle.

* Comm. I. 397, 8.

† Duces ex virtute sumunt (*Tacit. de Mor. Germ. c.* 7, where virtue is strength and animal courage).

‡ *Handugei,* wisdom, in Gothic, from handus, the hand. Metaphysical etymology connects the names of abstract properties with matter. Wisdom is a cognate of the Latin *visus,* sight, from *videre,* to see, as wisdom from *witan,* to know, both being descendants of the Sanskrit *veda,* knowledge. He that could see with his bodily eyes, knew, and was wise; as in another respect, he that was able with hands was esteemed clever, a bad sense of wise.

§ Ignavos et imbelles et corpore infames, cœno ac palude, injecta insuper crate, mergunt.—*Tacit. de M. G. c.* 20.

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He is said to have ordained that none should bind up a fresh wound until the same hour on the following day,* for only slight wounds would admit of the delay, and those who were much hurt would die in the interval. It was the same principle continued to the latest period of the feodal law, by which a tenant was forbidden to alienate his land without the consent of the lord, lest the latter should be provided with a tenant who was unable to discharge the military duties of the fief.† The same principle is said to have prevailed among the Buccaneers of the 17th and the Pirates of the 18th century, who, in order that their vessels might not be turned into hospitals after an engagement, threw overboard every one that could not rise from the deck. The same principle is found to be in operation among the savage tribes of southern Africa;‡ and, to terminate its history, it is the same principle which has prompted a parliamentary majority of the English aristocracy to direct that "food worse in quality, and less in quantity," shall be administered to labourers whom disease, the feebleness of age, and the sudden visitations of God have rendered a charge upon their parishes. As this feeling, which awoke in the first age of society, still operates, we look in vain for a time when hunters and warriors elected the aged and decrepid to be the directors and conductors of their dangerous enterprises. Dr. Doig pronounces the Germans to have been "rather savages than barbarians,"§ but their treatment of those who were useless and burdensome to the community is no proof of it, or there is no

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* Einginn skylldе sar binda fyrr enn ad jafnleingd annar dags.—*Alfs og Recka hanns Saga*, c. 11.

† Blackstone, Comm. II. 57, 287.

‡ "From apprehensions of nocturnal attacks from lions, the wretched hordes of Caffres place their aged and infirm nearest the entrance of the cave or covert where they usually sleep, in order that the least valuable may first fall a prey, and serve as a ransom for the rest."—*South African Journal*, 1843.

§ Two Letters on the Savage State, to lord Kaimes, Lond. 1792, p. 44.

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difference between man in a savage and man in a high state of civilization.

9. The Saxon compiler shows himself perfectly conscious of the radical defect in his etymology, when he says that the greves were denominated *eldere men*, not on account of their old age, but their wisdom.* A grammatical objection, of itself fatal to the derivation, would naturally occur to a Saxon, though overlooked by his successors: neither ealdor nor aldor is the comparative of *eald*, old, but *yldre*, which makes in the superlative *yldest* and *ieldest;* while, on the other hand, ealdor is a noun substantive belonging to a regular form of declension, and making its plural in *ealdoras* or *aldoras*, just as *yldre* makes its plural in *yldran*, when it signifies, not older men, but fore fathers. A Saxon would also know that if the adjective were part of the compound, it must appear in one of these forms, *ealdman*, or *se ealdaman*, or *se yldraman*, which never occur, because *gomela* is the proper term for what these etymologists suppose ealdorman to denote: and gomela, a diminutive of *guma*, a man, like the Latin *homunculus*, teaches us the degree of estimation in which the inventors of Saxon words held old men. Ine, king of the West Saxons, at the close of the 7th century, makes a pointed distinction between the noblemen called aldormen, and those who derived their nobility from age and experience: "I have enacted these laws (he says) with all my aldormen, and the oldest witan of

* "Vocabantur elderemen, non propter senectutem, sed propter sapienciam."—*Leges Edw. Conf.* c. 32. Roger Hoveden, *p.* 607, repeats this derivation, with the observation—" non propter senectutem, cum quidem adolescentes essent,"—since some may be young men. A similar deference to antient writers, followed by a reason, which in like manner implies the author's doubt of the soundness of their opinion, is found in Sallust. On the origin of the senate, he says, that persons whose bodies were weak through old age, but whose minds were strong in wisdom, were selected to consult for the commonwealth: these were called fathers, either from their age or the resemblance of their duties—" vel ætate, vel curæ similitudine." *Bell. Catill.* 6.

my nation, together with a large concourse of the servants of God,* that is, with the chiefs of the tribes, the counsellors in law (legem scientes†), and the clergy. As the exact sense of this title of aldorman is important, and though any one of the foregoing remarks demolishes the old etymology, it may be further observed that the Anglo-Saxons called old age *ealdung* or *ealdom* (in Orosius *eald dom*), answering to the Gothic *aldoma*, which appears as the sense of "senectus" in *Luc.* I. 36., while the term for a chieftaincy was *aldordom* or *ealdordom*, the state, power, and condition of an Elder. The difference between the two terms is perceptible in king Alfred's Orosius. The Romans, he says, fear that—

> "Hyre weallas for ealdunge brosnian,"
> Their walls for old age are decaying;

and immediately afterwards he adds—

> "Hyre anweald is ma hreosende for eald dome.—"
> Their empire is more likely to fall by old age.
> *Fo.* 33.

On the other hand ealdordom is used for *principatus* in the passage relating to the appointment of decemvirs, of whom one was Claudius "se wæs onteonde ealdordom ofre tha othre,"—who arrogated dominion over the others.

10. Several antient names of places bear evidence of the presence of the aldor, such as the Scandinavian appellation of Ladoga, which was Aldeioborg, corresponding with the names of Altenburgh and Oldenburgh, the castle of an aldor, in several parts of Germany. The Spanish *aldea*, a

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* Ealdormen and ieldestan witan. The Latin translation "Aldermanni et seniores sapientes," is correct enough.

† The aldormen acted as judges, but were military men. *Wita* is connected with Goth. *witodh*, a law; and *witheit* is the appellation of the judicial council of Bremen: All are related to witan, to know. The Sanskrit *veda*, knowledge, and technically, the sacred law, is derived from *vid*, know, to wit, vetti, wotteth, knoweth. Col. Vans Kennedy has the following succession of cognates: "*Sans.* vidanti, *Gr.* ειδονται, *Lat.* vident, *A.-S.* witon."

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village, and low Latin aldania, the appurtenance of a village, are also related to aldor and altor. As the Sanskrit *al*, also *alam*, be able, competent, powerful, is inflected alati or alate and so on, the connexion of the low Latin *aletu-do, alimentum, alimonium*, nourishment, aliment, alimony, and the Anglo-Saxon *alodh*, liquid nutriment, ale,* is still more clearly perceptible. Alauda, a Gallic appellation of a Roman Legion, belongs to the same class, and must have originally denoted a company of persons dependent on another for subsistence.† This idea of support, maintenance, and dependence for daily food, and that of supplying it, runs through several classes of words in the old languages: thus, in Sanskrit, *bhara*, that which supports; *bharata*, a servant; *bharanium*, wages; *bharaniu*, a master; *bharatha*, a king; *bharta*, a husband; *bharia*, a wife; *bhara*, a burden; *bhrita*, hired; *bhriti*, wages; *bhritya*, a servant,‡—are all cognate terms with the verb *bharatum*, to support, bear, maintain; and taking away their syllables of formation, the simple root *bhri*, bear, remains. The word allodium, whose origin has occasioned a multitude of conjectures, belongs to the same root as *aldor* and *altor*. It is first mentioned in the Salic Laws, where it appears in its true orthography, a German word with a Latin termination "*de* alod-*is*,"§ which by the canon of

Allodium.

Alod.

* Horne Tooke, and the makers of etymological dictionaries, have the following unphilosophical and ludicrous derivation of ale, "A.-S. aloth, from *ælan*, to burn, inflame, because ale heats and inflames. Altoth is the third person of ælan." Gentlemen who give instructions on the origin of words, a less easy matter than turning over the leaves of foreign dictionaries, ought to know that the third person of ælan is ælath. The word aloth or rather alodh is of more importance than they imagine.

† Professor Pott, it must be observed, refers *alere, aljan*, &c. to the Sanskrit root *ridh*, crescere, an *l* having taken place of the *vowel* ri.—*Etymologische Forschungen*, I. 150. In Rosen's *Radices Sanscritæ*, "sufficere, valere" are among the significations of *al*, and *alatum* will, therefore, mean to do whatever contributes to increase the strength, and this I take to be the true sense of alere, &c.

‡ Col. Vans Kennedy, *Researches into Origin of Lang. p.* 193, 194. § Tit. 62.

transition answers to the Saxon alodh in its primary sense of aliment. In other antient laws and acts it is written *alaud-is, alaud-um, alot-um,* and *alod-um,** constantly with a single liquid to the ninth century inclusive.† It corresponds in primary signification, as in etymology, to the Latin *alit-ura,* aliment; and everywhere in those antient monuments it denotes paternal or heritable land, that which constituted a man's livelihood, and which, being free from duty or service to a superior, was accurately opposed to feodum, or land lent to another to enjoy the profits as the wages of military service, performed and to be performed, so long as the land shall be held.‡ In the constitutions of the Duchy of Burgundy, the alod is called *franc aloud,* a free alimony whence came the other terms in French law, aloy, aleu, and aleuf, to signify what we improperly call allodium and allodial lands. Some variation in its import must have occasioned the addition of *franc,* for we find in our Domesday Book alodium used for a manor, and alodarii for lords paramount, though manors were of the nature of feods and subject to military service.

11. The old German *alod,* A.-Sax. *alodh,* Frankish *alaud,* primarily signified the same as their Latin cognate, *alit-ura,* that is, aliment in general; and one is quite at a loss to account for the perversity of judgment, which, rejecting the authority of the oldest documents, adapts the orthography to a whimsical notion that the word is compounded of

* See the authorities in Du Cange under the word Allodium.

† Capit. Caroli Calvi. *passim.* Formulæ Bignoniæ secundum Legem Romanum, &c.

‡ Professor Pott derives allodium in the old manner from the adjective *all* and *od,* property, possessions.—*Etymologische Forschungen,* II. 346. It is strange he could not perceive that *od* is a grammatical termination, as A.-S. *huntn*-odh, *fisc*-odh, &c., answering to the Sanskrit *ta,* as *chaur-ata,* theft, &c. It expresses nature, quality, office, and the like, the first of which is its meaning in the Teutonic *alod,* applied to land that constitutes a provision for the family, and in the A.-S. correspondent *alodh,* a nutritive liquor.

all, whole, and *od*, possession. Had the skilled in etymological conundrums contrived to derive their allodium from all, and lad, both Norse, for all land, or entire land, in the sense of an estate, they would have found countenance for the term in the practice of the Rajpoots of Mewar, where the feodal system has flourished in full vigour for innumerable centuries. There the feodal lord, called a "grasya t'hacoor," possessor of a *gras*, a subsistence, literally and familiarly, a *mouthful*, is opposed by the bhoomia or allodial proprietor, from Hindu *bhoom*, land, (Sanskrit *bhumi*, which seems connected with *bhundatum*, to support). "Some of these allodial proprietors," says Col. Tod, "yet possess entire villages, which are subject to the payment of a small quit rent. They also constitute a local militia to be called in by the governor of the district, but for which service they are entitled to rations or *paiti* (literally, a belly full). These, the allodial tenantry of our feodal system, formed a considerable body in many districts, armed with matchlock, sword and shield."*

* Annals of Rajasthan, *v.* 1, *p.* 169.

CHAPTER III.

Chiefs, with Titles allusive to Food, and Land antiently granted for sustenance.

1.—Patriarchal nature of the original feodal system. 2.—The patres of the Romans were aldors or chiefs of tribes. 3.—Senators, not *old men*: derivation of father. 4.—Pater and father cognates; Senapati, a military commander. 5.—Senatus, the meeting of a Sena or army. 6.—Fadreins corresponds etymologically with paternus: patria with Sanskrit padram, client, one under protection. 7.—Romakas, an Asiatic people, allies of the Sakasenas. 8.—Chiefs regarded as providers. 9.—Servants regarded as persons maintained or nourished. 10.—The same notions (8 and 9) among the antient Sakasenas; *paiti*, a ration, the *pay* of a Soldier; a knight's meat-home, and a knight's feod or fee synonymous; Stiernhelm's identification of feodum with food, a sagacions discovery in his age. 11.—Födeby, in Danish, equivalent to meat-home: Food is the Sanskrit *bhat*. 12.—Absurd derivations of feodum. 13.—Fundus, land, that which nourishes; *farm*, the same meaning. 14.—Patres, their early duties. 15.—Wages in kind; wealth of pastoral chiefs. 16.—Plunder, the support of magnificence. 17.—Phrases indicative of equality between military chiefs and their followers.

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PATER. FATHER.

1. Parallel to aldor in etymology and antient application to the leader of a tribe, is father, a word which obtains use in a greater number of languages. The frequent consecration of paternal appellations to chieftains, and the scriptural account of the Jews, have led many to believe that the earliest form of government, and that most generally adopted, was patriarchal. To discuss this subject is beside the present purpose, which has no relation to Shemitic institutions or titles. It is sufficient to find that the entire system of feod resembles the economy of a considerable household, and that many of the principal, the titles to which it has given birth, correspond with the circumstances of an

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establishment, consisting of kindred, friends and domestics. The patriarchal character of the feodal institutions of Western and Central Asia, is particularly remarked by Col. Tod, and abundant testimony of the same character in those of Europe, will be frequently noticed in the illustrations which it will be necessary to produce. That gentleman, who has most satisfactorily established a great similitude between the Asiatic and European systems, says,—"Whatever term may be applied to the institutions of a martial race, which, for the sake of being more readily understood, we have called, and shall continue to designate, 'feodal,' we have not a shadow of doubt that they were common to the Rajpoot races from the remotest ages, and that Séôji conveyed them from the seat of his ancestors, Canouj. A finer picture does not exist of the splendour of a feudal array than the camp of its last monarch, Jeichund, in the contest with the Chohan. The annals of each and every state bear evidence to a system strictly parallel to that of Europe, more especially Mewar, where, thirteen hundred years ago, we see the entire feudatories of the state throwing up their grants, giving their liege lord defiance, and threatening him with their vengeance; yet, having 'eaten his salt,' they forbore to proceed to hostilities till a whole year had elapsed, at the expiration of which they deposed him.*

"In contrasting these customs with analogous ones in the West, the reader should never lose one point, which must influence the analogy, viz: the patriarchal form which characterises the feudal system in all countries, and as amongst the Rajpoots, all their vassalage is often their own kin and blood (save a slight mixture of foreign nobles as a counterpoise), the paternity of the sovereign is no fiction as in Europe: so that from the son of Champa, who takes the right hand of his prince, to the meanest vassal, who

* About A. D. 135.

serves merely for his *paiti* (rations), all are linked by the tie of consanguinity."*

2. We are told that as soon as Rome was surrounded with a wall, a legislature was formed consisting of the king and the senate, the latter composed of the common people, and a council of one hundred of the principal citizens.† The members of this council were called Senators, and patres or fathers, and it is distinctly stated that Tullus, in order to augment this portion of the Republic, chose the Tullii, Servilii, Quintii, and several other *princes* of the Albani, to be fathers.‡ This proceeding was strictly analogous to the practice of the Germans, among whom, on great occasions, several independent aldors or princes united under a common leader, with whom they advised on the conduct to be pursued; but if Mr. Hallam's caution§

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* Annals, &c. II. *p.* 33, 34.

† Before this time the Etrurians occupied the greater part of Italy, and the Romans may possibly have been a colony of them. Etruria proper, was divided into twelve cantons, called *Lucomones,* which gave name to the magistrates, and were each governed by a magistrate called *Lucomon.* Chrisium, one of their cities, was anterior to the siege of Troy.—*Journal Britanique, t.* II. *p.* 366. *Lucomon* being manifestly the same as the Iceland name of a judge, *lagaman,* a man of law, must have given name to his jurisdiction. This word, and the name of the Tuscan oracular deity, *Tagus,* which Cicero says was found in ploughing up a field, are clearly, if not Teutonic, Indo-European, for *tag* is no other than *dag, dæg,* day, daylight, or the Sun, and so another name of the prophetic Apollo.

‡ "Principes Albanorum, ut ea quoque pars reipublicæ cresceret legit Tullios, Servilios, &c."—*Liv.* I. 30.

§ "It is easy to find partial resemblances to the feudal system. The relation of patron and client in the Republic of Rome has been deemed to resemble it as well as the Barbarians and Veterans who held frontier lands on the tenure of defending them and the frontier; but they were bound not to an individual but to the state."—*Hist. of Middle Ages,* I. 200. This reason is of very small value; for the principle of the tenure remains the same whether one or more persons claim the military service due for the land. According to this gentleman, the knights, who were tenants of monasteries and other corporations by the service of defending them, did not hold knight's fees, nor were their lords feodal lords, and all the lawyers who were their contemporaries, and who practised under feodal laws, were

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against admitting the evidence of partial resemblance be observed, the meeting of the people, with their chiefs, in deliberation on the affairs of the Commonwealth, cannot be the same sort of thing on the Palatine and the Brocken. A like diet or parliament, however, is held at the present day in Asia, in those countries whence both Sakasens and Romans originally issued; and whether so or not, it is not extraordinary to find people occupied about the same object, employing similar means of attainment. The Great Talk of the Red Men is as much a senate and a parliament as the first assemblies and the meetings of the Saxon aldoras and witan.

3. Florus says—"The care of the state was in the hands of the old men, who, on account of their authority, were called *patres*, and on that of their age, *Senatores:*" so that the same notion prevailed among the more recent Romans, as among the English, respecting the aldormen. It is in cases of this kind that rational etymology is of signal utility. The older Romans could less afford to endure the encumbrance of old men than the Germans, if the accounts of their first settlement in Italy possess any shadow of a foundation in truth. The identity of the Sanskrit PITRI, Persic, *pedar*, Gr. & Lat. *pater*, Norse *fader*, A.-S. *fæder*, German *vater*, and English *father*, is universally acknowledged, and it is evident that the primary sense of one will answer for the rest. Professor Jäkel, seeking for the root in the Gothic dialects, supposes that it is contained in the verb *fæda*, to bring forth, to nourish; but this verb is radically characterized by a different vowel, and is in fact a derivative of the Sanskrit *bhat* (pronounced vut), nourish,*

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wrong in calling the former "milites feoda tenentes," and lands "militum feoda." But it is the principle and not the incidents of the thing, that characterizes its nature.

* Dr. Webster produces "the Norman *foder*" to illustrate the derivation of father. This verb, he says, "signifies both to feed and to dig, uniting with *feed*, the Latin *fodio*." But if so, *foder* to feed, is a Northern word,

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The Brahmans deduce *pitri*, a father, from *pi* or *pa*, both explained by the same word "*pane*," in drinking, *sc.* *paniyam*, water, the chief sustenance of animals and vegetables, or because liquid food is the first aliment given to young animals. *Pana* or *paniya* becomes the Latin *panis*, bread, a general term for aliment. The same idea, it has been seen, connects aldor and alodh. *Pa* also signifies preserve, cherish, nourish, and as the termination *tri* is equivalent to the Latin *ter*, *pater*, or *pitri*, a father, is one that nourishes and preserves by giving aliment.

Fadhar is said to be the Gothic form of father; but though it may certainly be inferred from *brodhar*, brother, it does not occur in the Gospel of Ulphilas; but *fads* or *fadhs*, which makes part of several compounds, as *hunda-fadhs*, a centurion, *brudhfadhs*, a bridegroom, seems to have occasioned the use of *atta*, a father, a cognate of the Sanskrit *attum*, to eat, in place of this very general appellation.

Pater and Father cognate.

4. The Gothic monosyllable is the representative of the Sanskrit PATI, a master, lord, husband, which is formed from the same root as pitri. *Fadhs*, *father*, and *pater* are, therefore, cognates of pati. The first and last words are used precisely in the same manner and sense. *Hunda fadhs*, a centurion, the leader of one hundred soldiers, the "hundredes ealdor," of the Anglo-Saxon Gospel, *thusenda fadhs*, a chiliarch, the leader of a thousand, and *brudh fadhs*, a bridegroom, the nourisher and protector of a woman. Among the Visigoths, *fad*, in composition with *thiuda*, people, nation, was latterly a prefect selected from the ministers of the palace, and decided particular causes as a judge.* *Faad*, *faud*, and *fowde*, was antiently and for a long time the title of the Danish governor of the Zet-

Fowde.

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and totally unconnected with the Latin, while foder, to dig, is fodire, itself, and ought to be written fodir.

* Leges Wisigoth *l.* II. *n.* 15, tit. "Quales causas audire debeant thiufadi."

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land Isles; and *fowde* occurs in the sense of a bailiff in the acts of James VI. of Scotland, in 1581, relating to the Orkney Islands.* The true signification of these terms will be seen from that of pati in conjunction with CHAMUH or SENA, an army. In Sanskrit, the general of an entire

Sena-pati.

army is *senapati,* the lord, the nourisher, the maintainer of the army; and the general of a large division, was *chamupati,* the provider of the eaters, viz. the army. And it is not altogether unworthy of notice that formerly the king or leader of a gipsey tribe was commonly called *Johnny Fad* or *Johnny Faw,* an easy corruption, by auricular orthography, of either of the terms just mentioned.† This is only one out of many Sanskrit words in use among these singular vagrants, and may not be without application in their early history.

Senatus, the meeting of the Sena, or army chiefs.

5. Neither *pati* nor *fad* was inseparable from the word which it terminated; *pati* is a lord, as *fad* is a governor when disjoined from *thiude,* the people. The Roman *pater,* in the sense of a senator and magistrate, resembles this *pati* disjoined from *sena,* an army. When Romulus formed a single band of several companies, consisting nominally of one hundred men, each under its own chief, now called a centurion, he did no more than continue in the new town what had always existed among the Asiatics, who settled in Europe, some to the north and others to the south of the Danube.

* The old Swedish *fogde,* more antiently *fogat, fogati, fougte,* German *vogd, vogt,* the governor of a district, city, or castle, are not as Dr. Jamieson seems to suppose, cognates of *fad.* They are referable to the title *faujdar,* an officer of police in Hindustan, and chief magistrate of a chaklah, who takes cognizance of criminal matters. This title is formed from *fauj,* a body of men, a troop, squadron, an army, which is connected with *fu,* a mouth; *fawgh,* thickness of mouth, &c.; and *fawjdar,* or as the Hindus call it, *foujdar,* is chief of the mouths or eaters, which is not a solitary instance of an appellation given to a body of soldiers who literally devour their rations, and, in Eastern style, their enemies.

† Locke found *Peter Gower* in a book of freemasonry, for Pythagore, a French orthography of Pythagoras.

The *fad*, the *pati*, and the *aldor* equally consulted his followers on affairs of importance; in time of war the aldoras and other chiefs elected a superior, who like Romulus presided over the assemblies of the hundreds with their several commanders; and that these commanders were not strangers to their bands is established beyond controversy among the Germans and the modern Asiatics, who only adhere to the customs of their ancestors. This deliberative assembly was with the Romans, a meeting of the sena and its patres; among the Germans it was a diet, significant of its popular construction, from Goth. *thiuda,* the people or nation. This seems to be the origin of the Roman *senate.* From the same word *sena,* an army, came the Longobardic *zana,* an armed or tumultuary assembly,* the old German *sen,* a multitude or concourse of people, and not improbably the old French *senne,* a synod, which has been considered to be a derivative of the Latin *signum,* used in the middle ages to denote a bell, or the ringing of a bell.† Passing over the resemblance of the Greek *synod-os* to the Latin *senat-us,* in its material and radical letters, two proper names among the Romans, Senecio and Seneca, it may be observed are pure Sanskrit; *sainika,* one connected with the army, as, a sentinel.

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Fadreins and Paternus.

6. The Gothic *fadreins,* a family, corresponds etymologically with the Latin *paternus,* of a father; and hence results another agreement between the title *pater* and that of *aldor.* The Latin *patria* (Sanskrit *padram,* a village), concurs in a restricted sense of *fatherland* with *aldea,* a village; and *pater,* like *aldor,* the Goth. *fad,* Danish *faad,*

* "Cognovimus quod per singulas civitates mali homines, zanas, id est, adunationes contra judicem suum agentes faciunt."—*Lex Longob. l.* II. *tit.* 18, *n.* 2.

† It occurs in the synodal statutes of the archbishop of Tours, in 1396, quoted by Du Cange: "Comme le senne soit establi à la correction des crimes et reformation des mœurs, que les abbes, recteurs, et chappelains entrent le senne à la premiere pulsation d'iceluy." The senne to correct crimes and reform manners, cannot be the senne to call its members together.

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and Gipsey *faa* or *pati*, was the chief, the magistrate, protector and cherisher of his people.* Patron is radically the same word, but more particularly than pater, denotes a weathy protector (PATRAH in Sanskrit). His client is a follower dependent upon him for protection. The relation between the two, in the first days of Rome, was no doubt the very same as that between lord and vassal, the protector and protected, in the northern feodal system. Cliens, in Latin, is a cognate of the A.-S. *hleon*-ian, to lean against, Goth. *hlaine*, a hill, a declivity, that which inclines; perhaps the Sanskrit *lina*, in contact with, from *li*, to embrace.

Early Romans and their Patria.

7. When the Romans, who seem to have been a section of the Romaikas, or men dressed in hair cloth, mentioned in the Puranas as the allies of the Sakas and Sakasenas, settled in Latium, they founded their padram or village† at the foot of the Palatine Hill. The same term denoted their home when their territory extended from the Alps to the Mediterranean; and thus *patria* came to signify country in its greatest latitude. Its primary signification is place of sustenance and livelihood, the residence of the pati or pitri, the provider.

Chiefs regarded as providers.

8. The primary notion entertained of a chief, that he was the provider of the food consumed by his people, is found in many appellations. Among the Saxons, for instance, the *hlaford*, a lord, the source or origin of bread,‡ had a corres-

* "Pater Patriæ," the preserver of his country, was applied to Cicero, and is constantly used in this sense upon coins.

† The Sanskrit grammarians, adhering to letters rather than to connected ideas, derive *padram* from *pad*, go; but it is manifestly the place of the *pitri* or *pati*.

‡ Horne Tooke says that *hlaford* is composed of the past tense of *hlifian*, to raise! and that *ord* (*ortus*) is source, origin; and "Lord, therefore, means high-born, or of an exalted origin."—*Div. Purley*, II. 157, 8. *Hlaf* can no more be the past tense of *hlifian* than *aloth* the present tense of *ælan*:

Sele *hlifade*	The hall arose
heah and horngeap.	high and pinnacled.

Beow. 163.

pondent *hlaf æta*, bread eater, a domestic servant, who was also his *fedesl*, or one whom he fed.* Such too were old German *brotessen* and *brotlinge*, bread eaters, domestics who ate their masters bread. These antient appellations are still in use in Germany, where *brödlinge* corresponds with *hlafætan*, bread eaters, and *brotherr*, bread-lord, answers to *hlaford*. The popular notion of servants is seen in the vulgar appellation of *Beef-eaters*, applied to the yeomen of the guard, which Sir Francis Palgrave has very ingeniously shown to be a corruption of *Bœufetiers*, a word formed from *langue de bœuf*, the old name of their halbert, from its resemblance to an ox tongue.

Beef-eaters

Servants regarded as persons maintained or nourished.

9. *Fedesl*, one that receives food for wages, appears to have been formed on the same principle as the Norse *veitsla*, a feast given, from the verb *veita*, to offer; but this word, which is also written *veisla* and *veizla*, in old Swedish *wædsla*, denoted not only a donative feast, but the present made by the entertainer to his guests, at the three terms into which the Gothic nations divided the year,† and particularly at the term or festival of yule.‡ Hence it became the appellation of such gifts, and gifts in lieu of the feasts to the household and tenantry. From this use it was accepted for the land held of a superior, instead of the pay in rations, which long anterior to the time of Tacitus, and

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Dr. Jamieson, after Verelius, suggests the Icelandic *lavardur*, a landwarder; but the Saxons had this very word :

Landweard onfand	The landwarder descried
eft sidh eorla	the return of the warriors,
swa he ær dyd.	as he ere did.

Ib. 3775.

The omission of the *n* is an Icelandic peculiarity.

* Laws of Ethelbert, c. 25.

† Tacit. de Mor. Germ.

‡ Sturlaugs Saga, c. 21. The yule feast, it need not be said, was a festival in honor of the Sun, and was so called from the Sanskrit *jwala*, a flame. The absurdity of derivations founded upon the external appearance of words could not be more strongly exemplified than in referring the name of this Gothic and Hindu festival to the Hebrew גלל, to turn or roll. See Mr. Rowcroft's, *Hood's Mag.* for 1845, art. *English Etymologies*.

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until the substitution of money or other representative of value, had been the stipend of servants and military followers; and lastly, it signified the rent or military duty which constituted the tenure of the land.* He that partook of the feast, or received the vicarial present, or held the tributary land, was denominated a *veisluman*, whence according to Verelius, Loccenius, Biörner, and other learned northmen, the feodal term vasal or vassal (*vasallus*), was derived. The etymon is much more plausible than the direct derivation from the Keltic *gwas*, a servant, on the supposition that it is a diminutive of *vasus*, but as *vasallus* never did signify a servant, and as *veisluman* does not correspond with the sense of *vasallus* in the feodal law, neither deserves the favour which each has received.†

Veisluman. *Vassal.*

The same notions among the Sakasenas.

10. We see a like principle of nomenclature among the Sakasenas of India, who called a groom, *bhogika*, the eater, from *bhoga*, eating, and a servant or slave *bhujishya*, also an eater of his master's bread, from *bhuj*, eat. In like manner from *bhat*, to nourish, maintain, hire, come *bhati*, wages, hire, fee, literally sustenance, and *bhatah*, a soldier who takes *bhati* for his services. The principle is equally obvious in the Rajpoot title of the feodal lord of the present day, mentioned by Col. Tod, *gras t'hacoor*, where *gras* is literally a mouthful,‡ and the whole term is the consumer of a mouthful. So also *paiti*, the *pay* or ration of a soldier, we learn from the same authority, is a bellyful.§ And it is a remarkable coincidence with *veisla*, in the sense of land held for sustenance, that about two centuries after the first appearance of the barbarous Latin *feodum*, a feod, fief or fee, in exactly the same sense, the term "militis feodum," a knight's fee, is translated a knight's meat-home,

Paiti, a ration *Feodum.*

* Loccen. Gloss. Su. Go. in *v.* Wædsla.

† See Titles of Associates. ‡ Suprà, p. 36.

§ *Buccellarius*, in the middle ages, was a soldier, and also a feodatory or client, and took this name from *boukellos*, a little cake in the first instance, but afterwards a ration of food in payment of service in the field.

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the land, place, or home of his meat and livelihood. This appears strongly in favour of Stiernhelm's discovery, sagacious for his time, that feodum was no other than the Teutonic *föde, foda,* food; for it can scarcely be doubted that the word was perfectly understood in the eleventh century, to which the corresponding Anglo-Saxon *metehom* belongs. It occurs in a vernacular enumeration of military fiefs belonging to the monastery of Shaftesbury, but though placed among some Latin charters of king Alfred, the language points to a period shortly after the conquest for that of its composition. The document, which has been miserably obscured by the transcriber, and suffered to pass uncorrected by the editors of the splendid Monasticum Anglicanum,* is valuable as a record of some of our old feodal terms; and on this account alone it merits further notice. Its title is explanatory of the service due from the tenants—"These are the lands of the knights that are bound to go into expedition (sceolon into fyrde faran) with the king, with their horse and gear for the church of Shaftesbury." The list contains seventeen places, beginning with Chicklade, each of which is said to be one whole knight's meat-home: then follow some parts of knight's fees, and an enumeration of six places consisting in all of six hides and three yards of land, which, it is observed, make one whole knight's meat-home, thus affording another proof of the variable quantity of land required to constitute a knight's fee. By the Mercian law five hides were to be possessed by a churl or husbandman before he could be admitted to thane right,† which it would appear was a rank below that of a middle thane. It is remarkable that the very same term for a quantity of land in the possession of a feodal vassal obtains in Rajasthan, where a hide of land is denominated a *chursa,* or skin, and consists of as much as one man can water.‡

Knight's Meat-home

* Vol. II. p. 447. † Laws of Edw. and Guthrum, Mercna L. c. 3.

‡ Col. Tod, Annals of Rajasthan, I, p. 131. This must also have been the reason of applying the term *hide* to a quantity of land. Anticntly all liquids were contained in skins or leather bags.—See BUTLER, infrà.

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The document concludes thus—"And all these knights that these lands possess do acknowledgment of the dominion of the monks of Shaftesbury and the minister." "Don manrædenne anwalds" might be rendered do homage of power or superiority; for *manræd* occurs in the sense of homage in the Saxon Chronicle.* *Metegavel* is another antient term like *metehom*, which Jacob explains to be rent paid by tenants in victuals to their lord; but which, by the construction of the words, appears to be rent paid for the meat or tenement.

Metegavel.

Föde by.

11. The Danish *föde by*, applied to native country, has exactly the same meaning as *metehom*, the place of one's food or livelihood, which, as before remarked, is that of the Latin *patria*. This or the corresponding German term must have suggested the feodum, which appears, says Du Cange, for the first time in a decree of Charles the Fat, in 884, that such as did not accompany their lord in the expedition then undertaking, with military gear, should be deprived of their feod without hope of recovery.† One

* Knyst appears for Knygt, except in one place; *maurdene*, which is unintelligible for *manredene*, and *an wallez*, equally obscure, for *anwalds*, which was perhaps *an waldez* in the transcript of the original roll:—

"Thes beth thare knygtene londes that sillen into uverde uare myd the kyng myd hire hors, myd hyre ygare for thare cherche of Shaftesburye.

That arest lond hatte Chiklad and ys on yhol knygtesmetehom.

.. ..

Two hyde of londe bes at Preston On hyde of londe ys at Bedeshurston On hyde of londe ys at Iwerne On hyde of londe ys at Haregrave On hyde of londe ys at Pimperne And thre gerde of londe bes at Kyngestone.	And all thus makiat anne yholne Knygtesmetehom.

And alle thes knygtes that thes londes waldez doz manredene anwalds of than munechene of Syftebury and of than menstre.

† Cuicunque secundum hanc legem expeditio imperetur, si ad Curiam Gallorum, h. e. in campum, qui vulgo Rungalle dicitur, dominum suum non comitetur, et ibi cum militari apparatu non repræsentatur, Feodo, præter hos qui cum gratia dominorum suorum remauserunt in conspectu nostro, absque spe recuperationis privetur.—*Constit. Car. Crassi*, sub anno 884, apud Freker.

sees in this word an attempt to preserve the sound of the original dipthong which represents the short *a* in the Sanskrit root *bhat* (pronounced *vut*, where by Grimm's canon, V=F and T=D), to nourish, feed. Thus we see that feodum, improperly written feudum, is primarily food, secondarily wages (bhati, and now batta), and lastly, land granted in payment of service in the field.

Absurd derivations of feodum.

12. In all this there is a consistent similitude to a household; the pater familias or husband is the chief, bound to provide the sustenance of his domestics as the return for their services. The same term for land, considered as a substitute of food, appears equally in India, Norway, Sweden, Denmark, England, and Franconia. It is, however, sometimes useful to examine different etymologies, as in the case of Aldor and Aldorman, in order to contrast the laboured and compounded with the obvious and natural. Some writers delight in looking upon antient terms in the light of conundrums, and others in hunting after lurking places that surprise when discovered. Thus Sir Henry Spelman derives feodum from "A.-S. feh, feo, feoh," *salary, stipend, wages*, and "hade, head, hood," *quality, kind, nature;* by contraction, *feud* or *feod*, that is, in a stipendiary way, with the acknowledgment of a superior, and a condition of returning service for it. On this very unlikely derivation Sir Martin Wright bestows his approbation, for, says he "it not only suggests the most probable account of the word, but gives us the clearest description of the thing itself."* The etymology, however, is an

* Law of Tenures, p. 4. Shakspeare's derivation of woman from tender air is a counterpart of *feoh* and *had* contracted into feodum:

> The piece of tender air, thy virtuous daughter,
> Which we call *mollis aer;* and *mollis aer*
> We term it *mulier*.
>
> *Cymbeline* V. *sc. last.*

Etymologically, and partly in sense, *feodum* and *bhati* are the same word. In the present dialect of Mewar, the latter is *paiti*, while the land, held under a grant by military service, is called *putta*. In a remonstrance of

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adaptation of two foreign words to the definition of the thing, and is vitiated by the extinction of the aspirated initial of the word, supposed to qualify the principal term. If *had* had been employed, it could not have suffered mutilation; but besides this objection, the process imagined never takes place. Sir Francis Palgrave suggests the Greek *emphytensis*, a *precaria*, as the etymon of feudum. "A precaria," he says, "was a benefice, a benefice was a feudum, or rather *fevdum*, and no better etymology can be found for this last term, than by supposing it to be a colloquial abbreviation of emphytensis."* Others derive it from *odh*, possession in the northern languages, and *fee*, stipendiary, which, they say, producing *feodh* or *feudum*, will denote stipendiary property.† Sir Francis Palgrave, rejecting this process, as well as the direct derivation from *faida*, a quarrel, suggested by Pontanus and others, remarks that "upon all the Teutonic etymologies, it is sufficient to observe that the theories are contradicted by the practice

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the vassals or feodatories of Mewar against their chief, *bhatta* denotes a ration.—*Annals of Rajasthan*, I. *Append. No.* II. *p.* 198. This word *Bhata* in Hindustani, is additional pay or field allowance, from *bhat*, boiled rice. In Bengali, it becomes *batta*, and forms an important feature in the emoluments of a military officer. The following is a statement of the pay and allowances of a commandant of artillery in the Bengal Service, now deceased:

"His pay was....	304	6	rupees	per month.
Batta	760	15	,,	,,
Horse allowance..	30	—	,,	,,
Tent ,, ..	200	—	,,	,,
Staff ,, ..	1600	—	,,	,,
	2895	5	rupees	per month."

One wonders to see a philologist like Professor Pott adopting the bungling derivations of the old lawyers and etymologists. "Feodum, feudum könnte etwa in fidem data, possessio (Alts. ôd, noch in klein-od) sein, da Alt-Franz. *fe*, Lat. *fides*, verkommt, &c."—*Etymologische Forschungen*, II. 346. By what process the old Saxon *od* and the old French *fe* came together, he does not explain, and as to *od* in *kleinod*, it is the grammatical termination found in alod, and other words of similar formation.

* Engl. Commonw. II, p. 206. † Blackstone, Comm. II, p. 45.

of the Teutonic tongues—a feud or fief is not called by such a name or by any name approaching thereto in any Teutonic or Gothic language whatever. *Lehn* is the only corresponding term." *Feud* as well as *fie* occurs in Norman French, but most probably from the Latin *feodum,* already noticed as employed by Charles the Fat, and *fed* or "*fedium*" is found in a charter of Philip II. of France in 1090. It is true that we do not meet with feod in German in the sense of land, but we have *föde by* in Danish, just noticed; and it may also be said that no equivalent of *lehn* is found in Latin. The argument used by Sir Francis proves nothing, or too much; for if it is valid in one case it is in another; and because in the Gothic or Teutonic languages a feodal lord is never called a baron, we ought to conclude that this term is not of the Gothic or Teutonic family, the very supposition of which would be absurd. As to *lehn* in Germ., *lön* in Swedish and Danish, and *len* in Icelandic, a *feod,* they are all equivalent to the English *loan,* and denote rather the condition of the feod than the feod itself, which in Icelandic was *veitsla,* and in Swedish *wædsla,* a feast. *Lehn.*

13. The Latin term for land, ground, *fundus,* answers to the Persian *bund,* an estate, and English *bound,* primarily a territory and then its limits, and affords another illustration of wædsla and föde for land. *Fundus* and its cognates are derived from the Sanskrit BHUNDATUM, to nourish (root BHUD). The same idea of a parcel of ground appropriated to the purposes of subsistence, is equally visible in the Anglo-Saxon *feorme,* which is both food and a *farm.** It appears to be one of the innumerable terms in the Indo-European dialects that are ultimately referable to the Sanskrit *bhri,* bear, (*bharami*) *bhartum,* to support, maintain, nourish. *Fundus, what nourishes or supports.*

14. Among the Romans, *Patres,* in consequence of the mystic import attached to the word, as well as its reference *Early duties of the Patres.*

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* *Lices feorme,* a corpse-feast, in *Beowulf,* 892.

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to the original power of the heads of the tribes so called, was an honorary title conferred upon magistrates and senators;* but the corresponding term among the Germans was confined to private persons, while their chiefs were denominated by a term significant of the obligation upon a prince to make a fatherly provision for his people. And in very small tribes, such as the Helviconæ for instance, this obligation would be something more than a grammatical figure of speech, for it would be his business to attend to the selection of the best pasture and hunting grounds. Where several such tribes united to form a nation, the aldoras and altherrin assisted at their councils, and administered justice among their own people. They were aldoras who conducted the first bands of Saxons into Britain, and what the Saxon translator of the Gospel calls the "hundredes ealdor," the chief of a hundred, the Gothic translator terms "hunda fads," or *fadhs*, the maintainer of a hundred, or *pater patriæ*, in a limited sense of country, corresponding with the Visigothic *thiufad*, which, though a prefect or chief magistrate in Spain, could not have been originally otherwise than a leader of the people. Everywhere these maintaining chiefs are mentioned by Tacitus under the term *principes*, and from his account they seem to have been in the condition of the nomadic chiefs to whom the title was first applied.†

Wages in food and lodging.

15. According to Tacitus, the aldoras maintained large bands of personal attendants, who constituted their power,

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* In Oriental mythology the *pitris* (fathers) are a race of divine beings, sprung from the side of Brahma, and inhabiting celestial regions of their own. They receive into their society the spirits of those mortals for whom the rite of fellowship in obsequial cakes (the *sapindikarana*) has been duly performed. The *pitris*, therefore, collectively include a man's ancestors; but the principal members of this order of divine beings are of a different origin. The *Pitriyajna* were libations to the manes.—See *Wilson's Vishnu Purâna p.* 123, *n.* 25; *p.* 322, *n*; *p.* 294, *n.* 3.

† According to Livy the "*principes*" of the Albans were made "*patres*" of Rome at an early period.—*Suprà, p.* 30, *n.* ‡.

their glory, and their magnificence, and to whom they gave in recompence of their services, meat and drink, with large though rude entertainment which answered in the stead of a stipend.* This description is only a long definition of what an English rustic called wages in board and lodging, and of which the memory exists in some old Law terms, such as *drinclean*, *potura*, meaning like the Sanskrit *pana*, wages, a compensation in drink, which seems in antient times to have comprehended more substantial aliment than the liquid. Research for the purpose would probably detect many terms significant of the custom of paying servants and others their wages in board and lodging, before money was substituted. The chiefs of the Germans, however, had no alternative; money and the use of money were equally unknown, so that wages and military stipend alike consisted in the necessaries of life; and the possession of a sufficiency, and a surplus of the staple food of man, constituted a man rich or poor. There is a striking proof of this in Sanskrit. The name for wealth, *dhan*, when a verbal root, denotes, to produce rice; and a country devoid of water was stigmatized as *dhanwan*, poor, or wanting *dhanya*, rice, the staple food of the Eastern nations, which is produced under water or in marshy ground. The greater the quantity of rice a chief was enabled to distribute, the more numerous was his band, thence termed *chamuh*, the eater, and consequently the more extensive his real power and magnificence became. Substitute flocks and herds for rice, and the same result follows: the oldest description of an antient chief, among the people of the East, is that of Job, whose "substance was seven thousand sheep, and three thousand camels, and five hundred yoke of oxen, and five hundred she asses, and a very great household; so that this man was the greatest of all the men of the East."

* Tacit. c. 14.

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Plunder the source of magnificence.

16. In Europe, princely splendour and greatness were measured among the Gothic tribes, not by extent of territory, for that belonged to the nation, but by the multitude of the population; and among the Germans it was the pride and glory of an aldor to be attended by a number of youths in the quality of companions. The funds of this magnificence, says Tacitus, were to be attained by war and rapine.* This band was formed from the sons of the chief and his nearest kinsmen, hence epithets of honor or endearment are frequently founded upon the relationship subsisting between him and his immediate attendants: and *magaczogo,* literally the duke or leader of his relations, borrowed from this feodal usage, is applied by a German poet of the ninth century to the deity himself, as the protector of the Emperor Louis or Ludwig in his youth.†

" Kind wart er vatterlos	A child he became fatherless,
Dess warth ihm sehr bos	Which was to him a great affliction;
Holoda nan ‡ truhtin,	The Lord received the chief,
Magaczogo warth her sin."	And became his guardian.

Epinic. Regis Ludw. 2.

Success in war and pillage had the same effect as riches in flocks and herds; " the household became very great:"

Tha wæs Hrodhgare	Then was given to Roger
here sped gyfen	success in arms,
wiges weorthmynd	the dignity of war,
thæt to him his wine magas	so that his dear relations
georne hyrdon	gladly obeyed him,
odhdh thæt seo geogoth geweox	until the youths grew up
mago driht micel.	a mighty kindred band.

Beow. 127.

Companionship of chiefs

17. All business of a servile nature was committed to the *lassi,* whose appellation (from Sanskrit *las* or *lash*) denotes handicrafts men, or to slaves, whose appellation in the

* "Materia munificentiæ per bella et raptus."—*De Mor. Ger.* c. 14.

† See p. 38.

‡ So in Langbecke, who copies Schilter; but should we not read *nam?*

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and their followers.

Germanic dialects is universally synonymous with thief,* as if they thought none but the lowest of the people would work or steal. On the contrary, a freeman was noble by birth, and to such no term in the slightest degree indicative of servitude could ever attach without ignominy. For the discharge of military duties, they had no phrases like ours significant of servitude and obedience to the will of a master; they merely "went with the army," or "on an expedition,"† and then never as the general's servant, but his *gisellon, companions*, or vassals.‡ With them all military employment was military companionship, and when they acknowledged the superior to whom they were indebted for their *paiti*, pay, their bellyful or rations of food, or feods in lieu of that stipend, they proudly styled themselves his men, even when in after times Latin was employed as the medium of homage. This very term homage evinces the absurdity of imagining that they borrowed the foreign appellation of a servant in order to degrade themselves by a voluntary assumption of a disgraceful term to be applied to the whole body of military companions. Vassalage never implied service until different habits of life, and a debasing adulation of wealth and power, rendered them convertible terms.§ Even the Anglo-Saxons under the

* In Goth. *thiubs*, A.-S. *theof, thiof*, O.H.G. *thiob, diub*, a thief; and in Goth. *thiwe*, A.-S. *theow*, Iceland. *thiw*, a slave. Of these the root is really the same; for between the Sanskrit *dhiv*, move, which gives the latter meaning one that obeys, and *dhav*, move swiftly, which gives thief, the difference, which consists in the vowels, corresponds with that of the derivatives. The long *ā* becomes *ee*, and the short *i, iu*, just as the root *shiv*, sew, produces Lat. *suere*, Goth. *siujan*, A.-S. *seowian*, Engl. to *sew*.

† A.-S. *herefyrd* and *herefær*, O. Germ. *heriuart*, the going of the army, an expedition. O. Norse *heria*, A.-S. *herian*, to hary, plunder, act like or with the army; but in modern phrase, *to serve*.

‡ "Trostet hiu gesellion
Mine notstallon."
Epinic. R. Lud. st. 15.
Be of good cheer,
My vassals and officers.

§ The Keltic *gwas*, a servant, is very commonly considered to be the

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Norman expressed the feodal phrase "do homage and service," by "do homage of chieftancy," we have seen in the Shaftesbury roll of knights fees.*

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etymon of *vasus*, which is supposed to be the original of vassal. But the *vasi* were not servants; they were great officers of the household, as appears throughout the capitularies of Charles the Bald; and in the Salic Law "Si quis vasum ad ministerium," &c. refers to the *vasus* in a ministerial and not a servile capacity.—*Tit.* 34. The Franks, who did not understand Keltic, were content with the words which had come with them from the east, where *vasa* denoted a house, a dwelling. "In Mewar, the prince's architect, painter, physician, bard, genealogist, heralds, and all the generation of foster brothers, held lands. Offices are hereditary in this patriarchal government; their services are personal. All the higher offices—cup bearer, butler, stewards of the household, wardrobe, kitchen, master of the horse, are enumerated as ministerialists (*muntera*, mystification) at the Court of Charlemagne, in the dark ages of Europe. These are what the author of the Middle Ages designates as *improper feuds*."—*Annals Rajasthan*, I, *p.* 140. The Keltic *gwas* is merely a cognate of this *vasus*, a domestic officer.

* *P.* 48, *n.* *. Don manrædenne anwalds. The word is a compound of *man*, a man, and *ræden*, (f. gend.) a law, control, statute, condition, decree, &c.

CHAPTER IV.

The Feodal System primitive and universal.

1.—Property in the soil not originally vested in an individual. 2.—Feods known earlier than is assigned to them. 3.—Land shared by conquerors: 4.—Down to the 10th century. 5.—Sole property of land vested in the sovereign, a legal fiction. 6.—Wherever the chief characters of feodalism are found, the feodalism exists. 7.—Not original among the Germans. 8.—Known to the Asiatics before the departure of the Sakasenas to Europe. 9.—Count de Boulainvilliers' opinion of historical errors in regarding Gaul as the patrimony of the Merovingian princes. 10.—The growth of monarchical power. 11.—Condition of petty sovereigns. 12.—Hallam supposes the Scandinavians to have been ignorant of feodalism. 13.—The system existing in central Asia. 14.—Pinkerton on its universality in the earliest ages; supported by St. Martin and Richardson. 15.—Patton, on its origin among pastoral nations. 16.—Tod, on the martial system of Rajasthan. 17.—Turkish *timar;* Mewar *putta;* Persian *jagir;* fiefs of land held by military service. 18.—Feodal system found in Africa: 19.—Among the Caucasian mountains: 20.—In Livonia: 21.—In antient Britain: 22.—Probably not everywhere the same in all respects, and yet sufficiently similar to be identical. 23.—*Beneficium* and *munus* merely translations of Teutonic words. 24.—Ascribed to the comparatively recent decrees of Roman emperors. 25.—Early migration of the German tribes. 26.—Offer of the Cimbri and Teutons to become vassals to Rome. 27.—Romans recovered their knowledge of civil liberty from their observation of it among the barbarians: 28.—Whom they began to imitate; *comites* copied from the *gesidhas,* or companions; Sanskrit etymology of the latter title. 29.—The Saxon *gesidh,* a nobleman, and the Sanskrit *sithi,* a disciple, their radical signification. 30.—Knight considered as a companion of the prince. 31.—Roman imperial *comites* and *amici.* 32 and 33.—Examples of Roman imitation. 34.—Selden and Palgrave on the origin of feods. 35.—Reasons why the German conquerors could not adopt Roman laws and customs.

1. "The grand and fundamental maxim of all the feodal tenure is this," says Judge Blackstone, "that all lands CHAP. IV.

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were originally granted out by the sovereign, and are therefore holden, either mediately or immediately, of the crown."* If such were the fundamental maxim, it will necessarily follow that there could be no feods where there was not a sovereign, by which Mr. Hallam understands a man, not the state; for, objecting to what he calls seeming analogies in the customs of various countries, he says, "the relation of patron and client in the republic of Rome has been deemed to resemble it, as well as the barbarians and veterans who held frontier on the tenure of defending them and the frontier; but they were bound not to an individual, but to the state."†

Feods, their high antiquity.

2. On this interpretation of the feodal system, which is contrary to that which naturally results from the etymology of feod, as well as to the terms employed in the feodal law, it will be impossible to consider the tenure of lands on the condition of military service as belonging to it, in any country where the property in the soil is not actually, or by fiction, vested in an individual. The constitution of feods is traced to the military policy of Germanic nations, and yet the land was the common property; and the Cimbri and Teutons, who about two centuries before the Christian era, proposed to hold military fiefs under the Roman senate, most assuredly did not think that fiefs or feods must necessarily be granted by an individual.

Land shared by its conquerors.

3. Among the Northern nations, whatever was acquired in war, was shared by lot among the participators in the dangers of the conquest. They applied the same principle to land, and their king, who as we have seen, was no more than one of the confederate chiefs, elected to conduct the enterprise, was subject to the chance of the lot with the lowest of the army. This is remarkably illustrated by the French historians, who relate that Chlodovœus, otherwise Ludwig, in 486, having taken Rheims, plundered the church of its plate. The archbishop requested him to res-

* Comm. II, p. 53. † Middle Ages, I, p. 200.

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tore a silver chalice, which he promised. Calling a council of the barons and principal knights, he named his desire to comply with the archbishop's entreaty. They were willing to surrender not only the chalice, but their individual shares entirely to his pleasure;* when a Frank stepping forward, cut the chalice in two with his sword, saying, Sir, you shall have nothing here but that share which may be assigned you by a fair lot.† All claimed a proportionable allotment in the spoil whether it were money or land, and to suppose otherwise, we must believe that the free warriors of the north left their native land in order to conquer solely for the advantage of their leaders, who were such only by their own votes, and consequently before the election, no more than themselves, that is, chiefs of equal power, according to the expression of Beda. They were, in fact, partners in the expedition, taking shares in proportion to the aid which they rendered in men and horse.

To the 10th Century.

4. Thus, then, in the fifth century there was no appearance of the feodal system, if it be essential to it, that the land should belong or be imagined to belong to an individual. Just as little appearance of it is discernible in the beginning of the tenth century, when the Norman Rollo divided the territory of Neustria, conquered from France, by admeasurement among his followers.‡ Yet during all this

A. D. 912.

* Sane ex his spoliis non partem, sed totum tuæ potestati cedimus: ut volueris fac: aut mergi fluminibus, vel flammis jubeas tradi voracibus, nil ad nos attinet: tantum ut tuo satisfiat desiderio.—*Aimoin, l.* I, *c.* 12.

This speech is differently reported in the *Croniques de St. Denis.* "Nous n'avons nul droit en toutes ces despoilles, à nous n'en appartient de riens, ta volonté en puet faire tout plainnement ou de geter ès fleuves ou ardoir en feu."—*c.* 15. It is not very probable that the barons would declare that they had no right in the spoils, since they insisted afterwards upon the partition of the territory, to which they would be equally unentitled.

† Tu rex hinc nihil accipies, nisi quod tibi vera sors auferre permiserit.

"Tu n'enporteras de ces despoilles fors ce que tu en emporteras par droit sort, et par droite parcon."

‡ Verbis cœpit adquisitam terram metiri, comitibusque suis et cæteris fidelibus suis largiri.—*Will. Gemet. l.* II, *c.* 19.

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time, from the Cimbric and Teutonic wars, this people held land as fiefs subject to military service with some of its chief incidents.

Individual proprietary vested in the sovereign, a legal fiction.

5. Upon the principle that to constitute a military feod, it should be granted by an individual, as the sole proprietor of native and conquered territory, we are to date the rise of the system from the time when this absurdity,—absurd because impossible among the Germanic nations,—was first adopted as a legal fiction. And this will be somewhere about the time when the alodarii surrendered their paternal domains into the hands of the emperor in order that they might be returned to them as fiefs, by which the lords, before considered as inferior to the military chiefs, would be raised to an equality with them. In all probability, the leader of an expedition, obtaining a larger allotment than his followers, was enabled to support a greater state and exercise a greater power. Of this allotment he granted fiefs to his immediate officers and favourites, and as these were indulged with privileges incidental to their offices and station about the leader or prince, the other leaders would become emulous of their advantages. In process of time, the maxim of the feodalists, diametrically the reverse of the fundamental maxim which governed the title to land, became established, and a military feod could not exist without an individual grantor. It is only on some supposition of this kind, we may believe with Sir Francis Palgrave, the first chapter of feodality to be found in the Roman law and the imperial rescripts.*

Where the chief characters of feodalism are, there is feodalism.

6. According to this deduction, all those remarkable features of feodalism which characterized the polity of the Germanic nations before the ninth century or thereabouts, have no relation to feodalism, because lands were held of the state and not of an individual. They are resemblances or analogies which cannot be safely admitted without des-

* Hist. of Engl. Constit. I, p. 76, 77.

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troying the maxim which the feodalists are pleased to call fundamental. We must accept a mere fiction as the basis of a system which existed anterior to it, and which extensively prevails among people who never yet dreamed of surrendering a portion of their right in the soil into a power of their own making. This is to circumscribe the term of feodalism within a very brief space of time, and to reject the most obvious characters on which the proof of identity depends. A cherry, if it be white in one place, black in another, and red in a third, is to be considered a different fruit, although it might be pretended that these are only accidental properties resulting from a difference in soil, climate, or culture; and a fish taken from the water ceases to be a fish when salted; for such is the effect of the argument which makes the sovereign an essential ingredient in the original constitution of a military fief.

Apparently, Mr. Hallam and Sir Francis Palgrave do not allow the existence of a system of military feods, unless it present all the features which are observed in the last books of the feodalists, and which were added under different changes of society and variations of policy. Thus, if they found in one country that a vassal could not give or sell his land without the consent of his lord,* nor alienate ascertained services,† the land would not be considered a military fee, because the tenant was not also prohibited from selling his male beasts,‡ or marrying his daughter,§ or making his son a priest, without the same consent.‖ These were five principles in the Longobardic system, and they were extended to this country under the Normans. The two first were common to all, and, being founded in reason and justice, were not prejudicial to liberty; but the

Antient incidents of feodalism.

Recent incidents.

* "Possunt dare vel vendere, sed ad voluntatem domini."

† "Non alienare certa 'servitia.'"

‡ "Averium masculum non vendere."

§ "Filiam non maritare, nisi det domino merchetam."

‖ "Filium omnino non facere clericum."—*Spelm. Gloss.* v. *Sokemanria (Libera).* See *Soc, socman,* infrà.

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others are additions and unessential to the system, which might and did exist for centuries without them.

Feodalism not original among the Germans.

7. It is thought generally enough, says M. St. Martin in his dissertation on the origin and history of the Arascides, that this kind of government, which prevailed some centuries ago, and which is called the feodal system, was peculiar to Europe, and that it is in the forests of Germany we must look for its origin. If, however, instead of admitting facts without discussing them, as too often happens, we examine this opinion a little, it will disappear before criticism, or at least become singularly modified, and we shall find that if it is in the German forests we have derived the feodal system, it certainly is not original there. If we would compare Europe, such as it was in the twelth century, with the monarchy founded in Asia by the Arascides three centuries before our era, we shall see everywhere the like institutions and usages. We shall find there the same dignities and even the same titles. To drink, to hunt, to fight, to make and unmake kings were the noble occupations of a Parthian.*

Is an Asiatic institution.

8. The same idea by which service is considered to be purchased by food and maintenance, and makes a mutual dependence the connecting bond between a chief and his dependents, runs through several archaic words denoting the states of social condition, and carries us back to the most remote period in which government existed. That the latter arose with the first man who became sufficiently rich (a word in Sanskrit and the Gothic dialects synonimous with powerful) to subsist others, that is, to feed them while they tended his herds, tilled his ground, hunted for him, and fought for him, can admit of no reasonable doubt; for even in the pastoral state there were occasions for the exercise of strength and courage in the repression of invaders, and the defence of the right of primary

* Journ. Asiat. I, p. 65; Col. Tod, I, p. 131.

occupancy.* A reciprocal obligation upon the state or ruler and the subject, the one to obey and render personal aid in peril and difficulty, and the other to provide the means of livelihood, is the first germ of government, and it is discernible wherever man is to be found. To look for the origin of the feodal system in the comparatively recent senate and emperors of Rome, is to reject the plain testimony of history sustained by the results of comparative etymology. In like manner, to consider the antient Germans as its founders, is to limit the survey of mankind to a small section. The account of these people, given by Tacitus, is valuable chiefly as the first description of a system of feods in Europe before the term feod was transferred exclusively to land. Their Asiatic ancestors had ages before made use of the same means of securing defenders of the general property, rewarding, taxing and punishing in the very same manner that the Germans introduced into the subjugated provinces of the Roman empire. The Romans themselves had done the same thing; but when Tacitus wrote, all memory of the feodal system was lost; for it had been obliterated some centuries before by the overpowering influence of municipalities. The senate and its fathers, the patrician order, the decemviri, comitia, and some other institutions were relics, of which none knew what was the origin.

9. Tacitus, in words which have been noticed, closely describes a feod, where he states that the chief was bound to protect and maintain with food and lodging those retainers who constituted his company or band. The Germans either abandoned this principle when they marched towards Rome, or they took it with them. In the latter case, the expedition was a common enterprise for the glory and profit of all who were joined in it. The very fact that Clovis

* Lot and Abraham had flocks and herds and tents; "and the land was not able to bear them, that they might not dwell together; for their substance was great. And there was a strife between the herdsmen of Abraham's cattle and the herdsmen of Lot's cattle."—*Gen.* XIII.

in the anecdote cited, solicited the piece of plate from the barons proves that he had no greater right in it than themselves, and the conduct of the soldier who dissented from their acquiescence in his wishes, proves that the barons had no greater right in it than the meanest of their followers. "It is impossible," says Mr. Hallam, "to resist the inference which is supplied by this story: the whole behaviour of Clovis is that of a barbarian chief, not daring to withdraw anything from the rapacity, or to chastise the rudeness of his followers."* Yet Mr. Hallam does not seem to extend the inference to the territory acquired by the confederate Franks and their leader Clovis. The sensible reflections on this subject offered by the Count de Boulainvilliers ought to have weight in an inquiry free from the bias of a preconceived theory of feodal principles and customs. 'The conquest of Gaul by the Franks,' he says, 'is commonly regarded only in relation to the chief of the enterprise—but we forget the entire nation, and are no longer embarrassed about its fate, just as if the expedition of Clovis were comparable to that of Alexander, who conquered Persia for himself and at his own charge. I have always been disgusted with the blundering of our historians, who, without one exception, have in this respect been wanting in exactitude and fidelity to the principle, and in fact it is to this title,—the most deceitful that can be imagined,—that we must refer the common idea which represents Gaul, and now France, as the patrimony of Clovis and his successors: it is no longer remembered that in the beginning, Clovis was only the general of a free army which had elected him to conduct it in enterprises, of which the glory and the profit were to be the common property.'†

M. de Boulainvilliers holds that Gaul was not considered the patrimony of the princes.

Growth of monarchical power.

10. When the conquest of the empire was achieved, and the allotments of the land completed, the object of the invading army was accomplished; and, as Beda remarks of

* Middle Ages, I, 109.

† Essai Historique, dans son Etat de la France, *t.* I, *p.* 15.

the Saxon aldoras, the general became, in respect to power, no more than his companions in the expedition of the rank of chiefs. They separated; each chief accompanied by his own followers retired to his allotment, on which he erected an independent sovereignty: thus dukes, counts, barons, castellans, and vavasors are found at a later period exercising all the functions of royalty within the limits of their fiefs. If, at the partition of the conquered territory, the general was complimented or rewarded with larger domains than the rest, he had no power out of those domains, and but little within them, as is manifest from the well known fact, that no act, not even a charter granted by the Merovingian princes was efficient until it had received the patronising sign-manual of the mayor of the palace. When Childebert, king of Austrasia, invaded Italy in 531, his army was composed of twenty dukes, under each of whom were four counts, who had each several viscounts at his command, and the viscounts had each several *thungiats** or centurions; yet this subordination had properly place only in the army; for long after this period, counts and dukes were of equal rank, and viscounts and smaller proprietors were kings in miniature on their own estates. Each possessed a household consisting of officers of state with the very same titles that are found attributed to the persons who composed the establishment of Charlemagne. It is a common error to consider these smaller households as imitations of the regal and imperial; for the case is the reverse, the latter being no more than augmentations in magnificence with every accession of wealth and power. The barons exercised all the functions of royalty within their fiefs, both before and after the consolidation of power in an individual. We know it because their rights were never the subject of royal grants, but are often that of confirmations of privileges formally claimed, as existing

* Sic, *(ibid. p.* 38.) They are the *tungini* of the Salic Law: "Tunginus aut centenarius mallem indicent."—*Tit.* 46, *n.* 1.

"de jure antiquo," and they are so confirmed in the charters. As the power of the king grew, that of the nobles decreased, until at length the functions of miniature royalty entirely ceased, and the whole state became a single government under laws which extended alike to all its parts, and not as before, varying with the different customs established by the barons in their several domains. Nothing is more erroneous than the common opinion that kingdoms were originally divided into separate provinces governed by great nobles, to whom powers and privileges were granted by the monarch.* The opposite process took place: they are the aggregates of allotments which existed from the earliest acquisition of territory, and the consolidated power of each monarch as it is now seen, is the result of successful and happy usurpations on the rights of the petty sovereigns, many of whose titles are extant as those of an order of no-

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* Sullivan argues for the power of the King in the following passage, relating more particularly to the Franks:—

"Though things in general wore the same face as when these people remained at home, a change was insensibly introducing; the king and chieftains were gradually increasing their privileges at the expense of the common soldiers, an event partly to be ascribed to the general assemblies being less frequent, and consequently fewer opportunities occurring for the people at large to exert their power; but principally to the many years they had spent in camp before they thought themselves secure enough to disperse through the country. The strictness of military discipline, and that prompt and unlimited obedience its laws require, habituated them to a more implicit submission to their leaders, who from the necessities of war were generally continued in command. And it is no wonder that while the authority of the inferior lords was thus every day gaining strength, that the king should increase more considerably. For probably because he, as general, was the fittest person to distribute the conquered lands to each, according to his merits, he about this time assumed to himself, and was quietly allowed the power of the partition of lands. They were still, and for some considerable time longer, assigned in the general assemblies, but according to his sole will and pleasure, to the several lords, who afterwards subdivided them in the same manner at their discretion, whence it came that these grants were called *benefices,* and are constantly described by the old writers as flowing from the pure bounty and benevolence of the lord."—*Hist. Feud. Law, p.* 48, 9.

bility before the time of Hugh Capet. The regal power grew by encroaching upon the rights of the primitive chiefs of the people. And it may have been under this monarch that the notion of an individual proprietor of the soil began to assume a more decisive character.

Petty sovereigns.

11. From the year 519 to 996, the monarchy continued in a nominal state: the great chiefs, under different titles, which they appear to have adopted at pleasure, sometimes styling themselves counts, sometimes dukes, and very frequently count-dukes, or counts and dukes, taxed their people, levied war, and exercised all the functions proper to royalty, just as if there were no king; but whenever the general warfare required it, they marched their forces to his standard, and co-operated in effecting the common object under his command. In all there appears to be the original and principal feature of feodalism; yet we are required to believe that it did not exist until the property in the land was imagined to be centered in the monarch.*

Feodalism in Denmark and Scandinavia.

12. Mr. Hallam excludes the Scandinavian nations from the list of people who were influenced by feodal principles;† yet if the historian, Swein Aggonson, who wrote about 1186, may be credited, the kings of Denmark possessed the whole land of the kingdom by right of proprietorship

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* Bishop Nicholson, in his learned dissertation on this subject, distinguishes the feodal *law* into several periods which he calls its birth, infancy, youth, and state of perfection. The first he limits from the time of the irruption of the Northern nations, which happened about the beginning of the fifth century, to the year 650. Its infancy from 650 to 800. The third period from this year to 1027, soon after which it arrived at its state of perfection.—*St. Amand, Historical Essay, p.* 38. The first period of the *system* must be included between its origin and the reduction of its rules to a written form. Traces of feodality exist in all the Barbaric codes, which, as will be shown, have all the marks of being older laws inadequately translated into Latin; except those of the Anglo-Saxons, which are probably revisions of Continental laws, and into which Monkish lawyers interpolated passages copied from Scripture, thus blending pagan institutes with Mosaic and Christian precepts.

† Middle Ages, I, 143.

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from the first establishment of the monarchy;* and the very chapter in which this is stated, relates to a service performed by all classes, at the command of the queen, for the common safety. But without insisting upon an isolated circumstance, it will be shown from the vernacular Sagas or histories that feodalism prevailed all over Scandinavia.† Thus we have a strange contradiction in consequence of considering that as a fundamental principle, which in reality was no principle at all, but an excrescence of recent growth. In France, where the land continued to be the common property, there is said to be feodalism; while in Denmark, where it was the property of an individual, we are told there was no feodalism. With respect to Sweden, which is also excepted, all that is necessary to be said at present, is, that the glossary of Loccenius is a work undertaken to prove that all the chief terms employed in the feodal laws have their origin in the language, laws, and institutions of ancient Gothland.

Feodalism in central India.

13. When Colonel Tod had successfully established the close conformity between the feodal system of Mewar, in central India, with that which prevailed in Europe, the objection that the sovereign was not the proprietor of the soil, was accompanied by the observation, that "traits of resemblance, however striking in respect to martial customs, between nations which have nothing else in common, whose languages, creeds and civil customs are radically dissimilar, may afford matter for curious disquisition and nothing more." To show the value that is to be placed upon this decision,

* "Nam prout regni regimen obtinuit, ita tunc temporis universam regni tellurem reges jure dominii possidebant."—*Compend. Hist. Dan.* c. 3.

† Gentlemen who are accustomed to give peremptory decisions on the ancient customs of a country, would do well to make themselves acquainted with its language. Those who deny that Denmark and Sweden were influenced by feodal principles will, perhaps, explain why the words "huldskap, troskap och manskap" formed a necessary part of the obligation of the Swedes on the election of their ancient kings, and why on solemn occasions people vowed their "fealty, truth and homage," if they were not under feodal obligations.

which appears in the Edinburgh Review for 1830, it is only necessary to turn to the volume for 1808 for a very learned comparison between the Sanskrit and the languages of Europe, which the writer demonstrates to be so clearly related that even the conjugations of the verbs are formed upon the very same principle, and with the same terminations, a little modified in the latter. With respect to customs, they have been so often shown to be identical that they may be passed over; and as to creeds, they certainly can have no relation to the subject. Asia, however, was the birthplace of Christianity.

Pinkerton on its universality.

14. Pinkerton, with a just notion of the feodal polity as existent wherever there was a mutual obligation and dependence between a chief and his tenants or followers, restricts the commencement of it to the rise of the passion for military conquest. "The feudal system, about which so much noise is made," he says, "is the natural fruit of conquest, and is as old in the world as conquest. A territory is acquired, and the state or the general bestows it on leaders and soldiers on condition of military service, and of tokens of acknowledging gratitude to the donors. It was known in the Greek heroic ages. It was known to Lycurgus, for all the lands in Sparta were held on military tenure. It was known to Romulus when he regulated Rome. It was known to Augustus when he gave lands to his veterans on condition that their sons at fifteen years of age do military service. The reason it did not preponderate and corrupt in Greece and Rome, was that it was stifled by the necessary effects of cities, as above mentioned. In Persia, where there were no cities of any power or privilege, it preponderated and corrupted at an early period. The feudal system, whether in its original democracy, or corrupted into aristocracy, must limit the power of kings; for men who held their possessions on military service, must of course have arms in their hands; and even in absolute governments, the soldiers are free, witness the Prætorian bands, and armies of imperial Rome, and the Turkish Jani-

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zaries. By the feudal system, every man held freedom and life in his hands. Montesquieu has begun his account of the feudal system with that of the ancient Germans, given by Tacitus, and prides himself on leaving off where others began. A writer more profound would leave off where Montesquieu begins.* There is, however, a very great convenience in pursuing the same course as the profound writer, who seems to be slighted in this passage. Holding the well grounded opinion of M. St. Martin, that the feodal system was not a native of Germany, the account of Tacitus is a description of it at a given epoch, to which we can refer past and present institutions in Europe, and beyond which we can readily ascend by the aid of analogy and etymology. "The feudal system in Europe," says Mr. Richardson, "is an exotic plant; but in the East it is indigenous, universal, and immemorial. In India, Persia, Tartary, and other eastern countries, the whole detail of government, from the most ancient accounts down to the present hour, can hardly be defined by any other description than feudal."†

Patton, on pastoral feodalism.

15. On the origin of feodality, Mr. Patton observes, "the circumstance of land being common, or the property of the society, and never possessed among individuals among the pastoral tribes, seems to offer a natural explanation of the rise and progress of the Asiatic constitution of monarchial government, which is uniformly and unalterably despotic. These peculiarities have been shewn to depend upon the absolute property of the land being vested in the sovereign, which precludes the rivalship of power through the means of the greatest land proprietors, who cannot possibly exist under such circumstances. But how this absolute property of the land of the state came originally to be vested in the monarch or sovereign, is the question which it is so difficult to answer. If we suppose the pastoral state of society to

* Dissert. on the origin and progress of the Scythians or Goths, p. 130.

† Dissert. prefixed to his Persian Dictionary, p. 42, 3.

have universally preceded the agricultural state in Asia, a supposition not void of historical import, a very obvious explanation seems to result from it. Among all pastoral tribes, the monarchial form of government is prevalent; the chief is the representative of the public, and in time of war is absolute. The first and earliest transition from the pastoral to the agricultural state of society must always remain a subject for conjecture.*

Tod, on the martial system of the Rajpoots.

16. Some observations by Col. Tod, introductory to his detailed account of the feodal institutions of Rajasthan, are deserving of close attention: "There is a martial system," he says, "peculiar to these Rajpoot states, so extensive in its operation as to embrace every object of society." This is so analogous to the ancient feudal system of Europe, that I have no hesitation to hazard a comparison between them, with reference to a period when the latter was imperfect. In the same stages of society, the wants of man must everywhere be similar, and will produce the analogies which are observed to regulate Tatar hordes or German tribes, Caledonian clans, and the Rajpoot Cula (race) or Jhareja Bhyad (brotherhood). All the countries of Europe participated in the system, which we denominate feudal; and we can observe it in various degrees of perfection or deterioration from the mountains of Caucasus to the Indian Ocean. In remarking the various coincidences between the habits, notions, and governments of Europe in the middle ages, and those of Rajasthan, it is not absolutely necessary that we should conclude that one system was borrowed from the other; each may in truth be said to have the patriarchal form for its basis. Attention to distinctions, though often merely nominal, will aid us in discovering the outlines of a picture, which must at some period have been more finished; when real power unrestrained by modern influence upheld a system, the plan of which was original. It is in these remote regions, so little

* Principles of Asiat. Monarchies, p. 268, 270.

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known to the western world, and where original manners lie hidden under those of the conquerors, that we may search for the germs of the constitutions of European states. The perfection of the system in England is due to the Normans, who brought it from Scandinavia, whither it was probably conveyed by Odin and the Sacasenæ, or by anterior migrations from Asia, which would coincide with Richardson's hypothesis, that it was introduced from Tartary. Although speculative reasoning forms no part of my plan, yet when I observe analogy on the subject in the customs of the antient German tribes, the Franks, or Gothic races, I shall venture to note them. Of one thing there is no doubt,—knowledge must have accompanied the tide of migration from the East; and from higher Asia emerged the Asi, the Catti, and the Cimbric Lombard, who spread the system in Scandinavia, Friesland and Italy.*

Turkish timar.

17. A strong resemblance has been noticed between the military feods of the west and the Turkish timars or lands of the Spahis, for the enjoyment of which they served in the field on horseback. Each feudatory brought into the field a number of horses in proportion to his tenements; so the Spahis, who, says Dr. Walsh, "are a kind of feudal cavalry, possessing hereditary lands on the tenure of appearing in the field when called on. If they have no male children, the lands descend to the commander, who assigns them to others on the same terms, and so the corps is kept up."† The grant of a fief, (gras,) by the Maharana Dheraj to his nephew Komar Madhu Sing-ji, in 1729, is conceived in the following terms:

Mewar putta.

"M. Dh. &c. to his nephew &c. commanding.

"Gras has been granted.

"The fief, (putta,‡) of Rampoora, that with 1000 horse and

* Annals of Rajasthan, I, p. 129, 130, 1.

† Narrative of a Journey from Constantinople, 1828, p. 186.

‡ It might be explained a lordship, as the Sanskrit *pati, (suprà, p. 41,)* becomes *put,* a lord.

2000 foot you will perform service during six months annually, and when foreign service is required, 3000 foot and 3000 horse.

" While the power of the presence, (thugoor,) is maintained in these districts, you will not be dispossessed.

" By command, &c."

Persian jagir.

The Persian *jagirs* are fiefs held on the same conditions. " A jagir," says Mr. Richardson, " is a possession in land granted by the king for life, and the holder of such land is a *jagir dar*." In Sanskrit *jagara* is a coat of mail.

18. If we owe our languages to Asia, of which, while a single verse of the Vedas or Puranas exists, there never can be started a doubt worth the trouble of confutation by argument, we may well be supposed to have derived the feodal system from the same quarter. But fully agreeing with the Edinburgh Reviewer of Colonel Tod, that the tenure of lands on the condition of military service, which is an expedient so simple, and withal so obvious in order to provide for public defence, must everywhere produce incidents more or less alike,* we cannot be surprised to find the like system in other parts of the world. Major Denham discovered traces of it in Bornou, in the interior of Africa. "A feodal law exists there in full force, and a man unwilling to serve provides one or more substitutes, accord- to his means."† From the accounts of the Sandwich Islands by their discoverers, nothing is more certain than the use of military fiefs by a people who could not have borrowed their knowledge of it from the Roman law of one writer, or the beneficiary grants of the Frank monarch, to which another assigns the origin of the European system. The king granted out lands to the chiefs who held them by military service and an annual rent (the *veisla* and *len* of Scandinavia), and these chiefs made subinfeodations; they subdivided their fiefs, grants, among their followers, who held them on the same conditions as their lords.

Feodalism in Africa.

* Vol. for 1830, p. 52.

† Travels, p. 150.

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19. After what has been said, it seems almost superfluous to add the testimony of the Chevalier de Marigny, who found the feodal system in Circassia; yet where facts apparently incontestible are disputed, it is not altogether useless to learn that the inhabitants of Caucasus retain a form of polity which was once universal. He says in his *Three Voyages in the Black Sea*, that the "Circassians, very much in the same manner as those who existed in Europe in the feodal ages, live from father to son in a state of dependence, under a prince whose fields they cultivate in time of peace, and whom they defend in time of war." In many particulars, *mutatis mutandis*, the description of the Germans by Tacitus might be transferred to this warlike people. The division into princes, nobles (usdens), and people, is the same, and so are their duties. A certain number of people are attached to the household of each prince, who acts as their judge, protector and father. As the land is the property of the state, the possessions of the prince consist of horses, arms and slaves. His expenditure is supported by tributes extorted from surrounding nations. His power is absolute in time of war, but in peace he is not distinguished from the *usdens,* or even the peasants. On great occasions, the whole community assembles in deliberation: the oldest of the princes proposes a measure; it is then debated among the usdens, and afterwards among the deputies of the people. It it needless to pursue the subject. We find in Circassia a preference given to age, which could not obtain among a nomadic and predatory people like the Germans, and which argues the attainment of a higher grade of civilization.

Feodalism among the Caucasian tribes.

20. Until May, 1818, feodality existed in full vigour among the Livonians. The proprietors assembled in congress in that month, and formally emancipated the serfs, who at first considered it to be a deprivation of their ancient privileges, and in consequence earnestly remonstrated against the measure. It was probably by this path that Odin and the Asi introduced it into Scandinavia.

In Livonia.

Among the Britons.

21. If there were people in Europe before the entrance of the Asiatic tribes, there was undoubtedly a system of feods. "The primary institution of feods," says Mr. Whitaker, "is unanimously deduced by our legal and historical antiquaries from the northern invaders of the Roman empire; and the primary introduction of them into this island is almost as unanimously referred to the much more recent epocha of the Norman conquest. But they certainly existed among us before, and even formed the primitive establishment of the Britons."* His reasons for this opinion are irresistible, and if the Britons availed themselves of this, the most obvious and most facile mode of defence, it may be concluded that, as the manners and religion of the Keltic races were as similar as their dialects, all the others also possessed a system of feods.

Though not always the same, recognisable.

22. That the feodal system was the same in all these countries would be as absurd to maintain, as that the feodal institutions of the Anglo-Saxons were the same as those which were introduced by the Normans, after many additions had been made to the simple form, and many consequences deduced from the principle and its correlative maxims, of which neither German nor Asiatic had ever thought. Some of these excrescences were the effect of the altered position of the German invaders of the Roman territories; and others of later growth were no doubt suggested by the Theodosian code. Yet in all these varieties, and under these changes, and whether the property of the land were vested in the prince, in the collective body of the people, or, as in Circassia at the present day, in the individuals of the nobles and people, a system of defence founded on the principle of obligation and protection, the bond of union severing with the failure of the condition of tenure and obedience, existed, and was to all intents and purposes a feodal system. If the titles of the European nobility are feodal titles in origin, nothing is more certain, as will be

* Hist. of Manchester, I, p. 262.

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amply shown, than their priority to the conquest of Rome; and if they are subsequent to the additions made in the feodal system, their significations, which refer to institutions that existed when Tacitus described the Germans, are without application, and the problem would be, how they continued to be applied to persons whom they did not denote.

23. One learned and elegant writer* discovers the origin of feods in the beneficiary grants of the French monarchs, *Benefices.* and yet "beneficium" and "munus," the terms to which he refers, are nothing more than Latin translations† of *veisla* and *len*, and *fœde* and *lehn*, which denoted a feod in different points of view, and which, by force of their import, take us far beyond the guidance of history. But if these grants were the parents of a system, there is at present totally unexplained, the principle which united the northern nations, carried them into the Roman territory, and dictated the partition of land among the leaders of the enterprise; and which constituted those leaders so many petty sovereigns ready to unite under a single leader for the common defence.

24. Another gentleman, also highly and deservedly distinguished in literature, finds the origin of the system in *Romans.* what he terms the decrees of the Roman senate and the rescripts of the emperors.‡ Others again have directly pointed to the grants by Alexander Severus and Probus to the veterans, as the first indication of feods in Europe. On these grounds it seems necessary, at the risk of repetition or of familiar quotation, to consider the probabilities of deductions so plausibly supported, and so respectably recommended.

25. Believing the feodal polity to have existed in the most remote ages, and to have been diffused coequally with

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* Hallam, Middle Ages.

† *Beneficium* was first used in this sense in the reign of Clovis.—*Dominici de Alodiis*, c. 8.

‡ Sir F. Palgrave, Hist. of Engl. Commonwealth, vol. I, p. 77.

Early population of Europe.

society, it is necessary to contract inquiry into the narrow bounds of that state of it, of which vestiges remain in the titles of honor, and denominations of offices of dignity now in use over the greater part of Europe. Since many of them belong to the primitive languages of the Indo-European races, their origin may be referred to the earliest migration from Asia, whether that were two thousand or more years before the Christian era. The conformity which exists among these languages, including both Greek and Latin, which were once supposed to be distinct and original tongues, and to which a false philology looked for the parentage of words indigenous to Gothic forms of speech, is to be accounted for on the reasonable supposition, that very early "German tribes burst out of Asia and wandered westward; that having then remained some time to the north of the Danube, and become over populous, a portion of them went to the north, another portion southward, while a third remained behind: the northern portion probably went to Sweden over the Danish Islands, while the southerns crossed the Danube and the Alps, and there took and retained possession of Italy." History says nothing of all this; but history says just as little of the peopling of Scandinavia by German people, and yet no one dreams of denying this. Why too, when we know that Britain, Gaul and Spain were so peopled, should we make an exception in favour of Italy, which lies so directly in the road? The silence of the Roman historians on this point proves nothing one way or the other. Their old traditions were lost, (no thanks, by the way, to themselves, if the tale of Brennus be true) and as, when they began to write history, they were corrupted by Grecian influence, they looked in everything for a Grecian origin; moreover, they knew absolutely nothing of the northern nations; yet even the Greek authors had a remarkable tradition that they came from the *Land of Oaks*.*

* "One of the names of Germany: 'Sonst hiess es nur das Land der

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Cimbri and Teutons offer to become Vassals of Rome, antè Chr. 117.

26. The distribution of the land by Romulus, the three orders of the people, the election of the magistrates in the meetings of the hundreds, the appellation of *patres* given to their noblemen, and the vast number of Latin words identical with words used by the most remote of the Germanic tribes, are circumstances, which together with a remarkable conformity in popular customs and mythological traditions, strongly favour a belief that the Romans were of a Teutonic family.* After the abolition of the monarchy, the feodal system gradually disappeared in the growing importance of cities and municipalities, which, with the diffusion of wealth in the form of money, jewels, and moveables, necessarily diminished the power of the nobles. When the Cimbri and Teutons, who invaded Spain in the third Cimbric and Teutonic war, about a century before our era, proposed to hold lands of the Republic, as became a martial people, by military service, all knowledge of this kind of tenure seems to have been forgotten by the Romans. They petitioned the state, says the historian Florus, "ut martius populus aliquid sibi terræ daret quasi stipendium, cæterum, ut vellet, manibus atque armis uteretur."† An offer of vassalage in return for a fief, or a request for a fief in lieu of pay for military service, could not well have been more explicitly worded in the twelfth century. Whatever the Romans may have understood the nature of the request to have been, it proves that military tenure was familiar to these branches of the Germanic and perhaps Scandinavian races. It is equally evident that they did not regard their request as derogating from that freedom of which they were enthusiastic slaves, and of which among all their nations

Eichen.' Körners Leyer und Schwert, p. 23."—*Foreign Q. Review,* Vol. X. German Origin of the Latin Language.

* As might be expected, the more ancient language of Rome bears the strongest resemblance to the Germanic forms of speech; thus the Song of the Arval Brothers *(Carmen Fratrum Ambarvalium),* inexplicable to the mere classic, is read with comparative ease by the Teutonic scholar.

† L. III. c. 1.

the possession of arms was at once the means, the fruit, and the token.

Germans little known to the Romans

27. The writings of Cæsar and Tacitus gave the Romans nearly all the knowledge they had of the polity, manners and customs of these barbarians; for the information collected by the travelling merchants of whom we find mention, would be mostly confined to people of their own profession. It may be said with an appearance of truth, that before the Christian era, the Romans knew nothing of the Germans more than their passion for war and the difficulty of conquering them. For the first time they learned, in the reign of Trajan, that there were kings who were honored and obeyed, although they possessed nothing of the regal condition but the title, and ranked in the state only as the first of the nobility.* They learned that no affairs of importance among the Germans were transacted without the concurrence of the common people, who attended the national councils with arms in their hands; and such of the Romans as reflected on this circumstance, perceived that where the sword and spear entered into the consultation, there was little prospect of the subversion of liberty by the chiefs. They learned moreover that there was a people to whom the use of money was unknown, and who were content to serve the state at home and abroad on the sole condition of receiving food and entertainment; and they found what could not well exist in an atmosphere of despotism, an order of men who were the friends and companions of the sovereign. In everything, in short, which these judicious writers have described, the Romans beheld a striking contrast to their own usages and institutions. Whatever the Germans or Gallo-Belgians had in common with the Romans, neither Cæsar nor Tacitus thought it worth his while to mention.

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* "Nihil est manifestius, quam reges hos fuisse itidem ut Laconicas, nomine solo, re vero ipsa nihil nisi optimatum primos."—*Grotius de Antiq. Reip. Batav.*

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Germanic titles imitated.

Comites.

28. The Romans soon began to imitate the barbarians, and adopted several of their peculiarities. Among others, it must be accounted the most remarkable, that they copied the Germanic order of companions. Tacitus calls them *comites,* and it is an object of interest and, indeed, importance to the consideration of the origin of European titles of nobility, to ascertain what vernacular term is represented by the Latin. A private man who has a number of associates prefers some to others, and they themselves present different aspects to an observer in relation to that person. The companions of a public man will not differ from those of a private person, but either they are likely to be distinguished by a peculiar appellation, or a word of general application will acquire a particular sense, and become in a manner appropriated to these companions. That this was the case among the Germans appears certain from the fact,

Gesidhas.

that the Anglo-Saxon, *gesidh,* and the Old High German, *gisindo,* denoted a companion, and were long the title of a nobleman of the rank of *comes* or count. Such too, was the *gasind*-us of the Lombards in the courts of their princes;* and *gasindium,* was the Latinized Gothic for the household of a duke. The question then arises whether these words primarily imply a companion, and in what sense? If a companion, as now understood, Tacitus has translated a title which is as old as the language. In Anglo-Saxon, *sidh,* is a journey, and with the collective particle *ge,* it forms *gesidh,* a fellow traveller. The Gothic *gasindhai,* company, shows that there must have been *sindh,* a journey, in that language, and so it may be observed of *gisindo,* the Germanic correspondent of *gesidh.* In this point of view, the terms denote the companions who undertook the expedition from Asia into Europe somewhere about 3000

* "De gasindis vero nostris volumus, ut quicumque ex minimis causis fuerit, in tali ordine pro eo, quod nobis deservire videtur, &c."—*Lex Longob. l.* I. *tit.* 34, *n.* 1. In Marculfus *(Formul. l.* I, *form.* 23.) *gasindi* denotes friends, trusty vassals, &c.—*Du Cange, t.* III, *c.* 836.

years ago; but to render this more probable it is necessary to ascertain the existence and import of the term in Sanskrit. And here a difficulty besets the inquirer. It is not easy, unless the word itself be found in that language, to determine whether the nunnation be servile or radical, and consequently whether the *n* have been dropped in Anglo Saxon, or be an insertion in the Gothic, similar to what has been observed to take place in some other words of a like construction.* If it be the former, the etymon is discoverable in the phrase, "Snihchati *çithye* guruh,"—the master has affection for his *disciple*. The root of this word, which might be written *shithi* or *sithi*, will not account for the sense of *sidh* in Anglo Saxon, which has the verb *sidhian*, to make a journey, derived from it. *Siddhi*, a magical shoe, which transports the wearer safely and rapidly whithersoever he chooses, is a Sanskrit word resembling the Saxon in orthography and, in some respects, in sense, but it can hardly have been the etymon sought. If the *n* be radical, we have in Sanskrit, *sindha*, a chief, a lion; *sindhanada*, a war cry; *sindhasan*, a throne, supported by lions, and some other compounds, of which the principal root is said to be *simi*, to injure or kill.

29. Resorting to conjecture, the Anglo Saxon, *sidh*, a journey, is probably the true form of the word, and the *n* in the Gothic and German is an addition on principles peculiar to those dialects. The Sanskrit root, *shidh*, which signifies in one class of verbs, to go; in another, to promote welfare, govern or direct; and in the fourth class, to accomplish or complete anything, has the best pretensions to be the etymon; for it coincides with the analysis of the Anglo Saxon *gesidh*, and it exactly corresponds with the office of the *comes*, who, according to Tacitus, was both the prince's companion in military expeditions, and a judge or governor of a district. The *sithi*, a disciple, before mentioned, pro-

Gesidh.

Sidh.

Sithi.

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* Suprà p. 17, 18.

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ceeds from this root. A little more trouble than was absolutely necessary, has been taken with this ancient title of nobility, because Wachter has represented it as primarily denoting a servant or domestic, and *gespan* and *gesell*, as first signifying persons in a servile condition, whence they gradually came to be applied to the nobles, because among the Hungarians, *gespan* is *comes*, or one who accompanies the person of the king.

The Sanskrit *Sithi*, one who accompanies a teacher, becomes with the collective *ge*, in Anglo-Saxon and in Old German, the appellation of the prince's companions in military expeditions and civil government, and the assistants in his councils.* They formed a House of Lords deliberating under the oaks of the German forests, and in all probability did so before the hordes had penetrated so far into Europe. A punctilious translator could not render the Latin word *comes*, by *gesidh*, because the latter conveys ideas that cannot be expressed without a circumlocution. If such a translator met with *gesidh*, he must write, "comes expeditionis bellicæ,"—"comes peregrinationis militaris," or use some equivalent periphrasis. This difficulty happens in all languages, and is the reason that a translation is always less forcible than the original, and sometimes altogether inefficient in expressing the exact meaning of a foreign author. For single terms, it may be taken as a rule in deciding upon their relative antiquity, that they are older than the corresponding periphrase in a different language. When Cæsar could not mention the *ambacti* and *soldurii* of the Belgic Gauls without circumlocution, which he appears to have studiously avoided, he adopted the words themselves; and if Tacitus had adopted the same method, it would never have been imagined that *comes*, weak by the generality of its signification, was the original of the Teutonic title.

† The old Spanish title *Cid*, is Moorish, from the Arabic, *el seid*, but seems to have little connexion with the Sanskrit.

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30. In the days of chivalry, the knight, no matter what were his civil rank, was accounted the friend and companion of his prince, who was himself a knight. It may be presumed that such were the *gesidhas*. Like the knights, they were numerous, and like them considered as an ornament in peace and a safeguard in war. So much indeed, were they regarded in this light, that Ammianus Marcellinus, a judicious writer, frequently employs the term, "Satellites," as synonymous with "comites," when speaking of these persons among the Goths and Alamanni.*

Knight, a companion.

31. There are, in public as in private life, acquaintances, companions and friends, who may be comprehended under one general term. Selden, who holds that European titles originated in the empire of the Cæsars, says, in reference to the friends and companions of the Eastern emperors: "If Tiberius had not such a kind of *comites* and *amici*, and so distinguished them also, I understand not that of Suetonius in his Life: 'Pecuniæ parcus et tenax, (saith he) comites peregrinationum expeditionumque nunquam salario, cibariis tantum, sustentavit."† Here are not only the title but the very condition of the union between the German princes and their *comites*, which Tacitus subsequently described, and which Tiberius had personally witnessed in operation in Germany. The "epulæ et convictus pro stipendio," given to the German nobles, were imitated by an emperor with whom there could be no familiarity of companionship, because there was none of the liberty which was the distinguishing feature of the German governments both then and long afterwards.

Comites and Amici.

Selden, from whom one dissents with hesitation, continues the quotation from the Life of Tiberius, as follows: "Uno modo liberalitate ex indulgentia vitrici persecutus, cum tribus classibus factis pro dignitate cujusque primæ sex centa sestertia, secundæ quingenta distribuit, ducenta

* See examples in Cluver. Germ. Antiq. *l.* I. *c.* 48.

† Titles of Honor, p. 296.

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tertiæ: quam non Amicorum sed Gratorum appellabat." Here are his *comites*, which are plainly those that are near him, and here are they also divided into three ranks. Only his pleasure was to change the name of *Amici* in the third rank into *Grati*. And the fashion of having near followers of several ranks, and that in a professed distinction of them, was in that state before the empire of the Cæsars. Seneca runs the first use of it to Gracchus and Livius Drusus."

The beauty and convenience of having about his person a troop of warlike friends, in the manner of the German princes, may have pleased a monarch like Tiberius. To be enabled to retreat within an impregnable *fortress of shields*, as the Germans poetically designated the friendly bodyguard of their princes,* was certainly a desirable advantage, which the latter possessed over the mighty Cæsars, and would naturally incite a tyrant to imitation. In order to form a correct judgment, we ought to bear in mind that nearly a century had elapsed since Julius Cæsar had men-

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* *Skialldborg*, a castle of shields, in the antient compositions of Scandinavia, was the appellation of the royal bodyguard of friends and companions: "Raufst tha skialldborg fyrir Huna kongum, og skiptust their bræthr hoggum vid." The shieldburgh before the king of the Huns, was broken through, and the brothers exchanged blows.—*Hervarar Saga*, c. 19. So also the term was employed by the Saxons:—

Fagum swyrdum	With stained swords
hæleth hige rofe	the glorious heroes
herpadh worhton	a war path wrought,
thurh lathra gemong	through the loathed crew
linde heowon	they hewed their targets,
scild burh scæron.	their shieldburgh divided.

Judith, *l.* 605.

Bordweall, a wall of shields, is synonymous:

He bræc thone bord weall	He broke the shieldwall,
and with tha beornas feaht.	and with the nobles fought.

Byrhlnoth, *l.* 580.

In *l.* 480 it seems to mean a tortoise:

Folc totwæmed	The host was divided,
scyldburh tobrocen	the shieldburgh broken.

tioned these very "comites peregrinationis expeditionumque," as common among the Gauls, who were partly a German people. And what is this title but the explanation of *gesidhas*, in a language which possessed no term corresponding in import? The opportunities of observing the manners of the Teutons were greatly increased among the Romans in the reign of Tiberius by the progress and results of the Germanic war. According to Suetonius, forty thousand German captives were transported into Gaul, but Eutropius, with greater appearance of probability, records the number of four hundred thousand. Nor should it be forgotten, that the early part of his military life, was spent by this emperor in Germany, where, if he had never read of such associates in peace and war, he had ample means of acquiring knowledge of them by personal observation.*

Roman imitation of Germans

32. The Romans were not so fastidious respecting the imitation or adoption of foreign customs as commonly represented. After the time of Tiberius, many German usages found their way even into the imperial palace. One merits particular notice. On the election of a leader, the antient Germans placing him upon their shields, bore him on their shoulders through the camp or station to receive the acclamations of the people. Tacitus describes it as practised among the Batavians on the election of a "dux," to whom they would, *ex necessitate*, give the appellation of *hertug*, or leader of the army.† The same rite obtained all over Germania. Cassiodurus mentions it as practised on the election of a king among the Goths at the mouth of the Vistula. Gregory of Tours proves its existence among the Franks on the election of kings Clovis and Gundobold.‡

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* "Pro dii boni!" exclaims his officer, Paterculus, "quanti voluminis opera insequenti ætate, sub duce Tiberio Cæsare, gessimus! perlustrata armis tota Germania est."—*Hist.* II. c. 106.

† Igitur ipso, nobilis familiæ nomine placuit; impositusque scuto, more gentis, et sustinentium humeris vibratus, dux deligitur.—*Hist.* IV.

‡ Hist. Franc. II, c. 40, VIII, c. 10.

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At the end of his eighth book, Herodian says, "Having raised Gordianus Cæsar aloft, they declared him emperor." Capitolinus confirms this statement in like terms. Ammianus and Zosimus relate the elevation of the emperor Julian upon a shield at his election. It was adopted in Greece, and practised in the time of Justinian. Zonaras, in his life of that emperor, says, "Hypatius, who was seditiously chosen in opposition to Justinian, having been raised aloft upon a shield, was saluted king;" and Curopalates, in treating of offices of court, says that 'a new emperor is placed upon a shield and raised aloft.' These and other examples are produced by Cluverius.*

33. Gordian, on whom this German rite was first performed in the imperial army, was elected in 236, nearly three centuries after the proposition of the Teutons to hold lands of the Roman state by military service. About 220 the Romans introduced this kind of tenure for the protection of the frontier provinces; and yet, in the face of all these circumstances, Selden, and after him, Sir Francis Palgrave, ascribe the invention of military tenure, or the feodal system, to the Roman emperor who then governed, and who had himself been a soldier in Germany. The account of the origin of feods given by the former is as follows:

Selden, on the origin of Feods.

34. "Feuds or *Feuda* (being the same in our laws we call tenancies or lands held, and *feuda* also, which is but the same word in our *feoda militaria*), are possessions so given and held, that the possessor is bound by homage and service to him (or those which derive under him), from whom they were given. And the services that are to be performed by the tenants of these lands are various. And frequently rents as well as other services are due out of them to the lords of whom they are held. But although feudum or feud be taken to interpret the very word *beneficium*, and of

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* Germ. Antiq. I, c. 46, p. 367.

itself originally to signify no more,* yet that which really gives it the nature and notion that is now fixt upon it, is the bond of homage or fealty between the lord and the tenant. For without that bond (though it pay rent or other satisfaction upon any contract, either censual, emphyteuticarie, or the like) it cannot be a feud.

"Whence this use to give lands by such a rite originally came is much disputed. Some fetch it from the ancient rite of patrons and clients in Rome. But there was only a kind of bond between them, but no possession held by that bond. Others derive it from the Roman deduction of military colonies into subdued countries, so the better to preserve what was won to the empire. Others otherwise. But among the Romans I see not anything so near the just nature of feuds, as those possessions, which were given to such as were their *Duces Limitanei*, or Dukes of Frontiers in the empire, and the others that spent their time with them in the defence of those frontiers, to be held only on military service. And of those we find express mention under Alexander Severus. He (saith Lampridius) gave such territories as were gained in the frontiers 'Limitaneis ducibus et militibus, ita ut eorum ita essent, si hæredes illorum militarent, nec unquam ad privatos pertinerent, dicens, attentius eos militaturos si etiam sua rura defenderent.'† Here we see that lands were given to be possessed to them and their heirs, on the tenure of military service to be performed by them. So Probus gave much land in Isauria to his old soldiers, 'addens (as Vossius saith) ut eorum filii ab anno decimo octavo mares duntaxat ab militiam mitterentur.' And of this kind were the *agri militibus assignati*, which are mentioned by Ulpian. Some other like examples are. And so to the time of Alexander

About A. D. 220.

About 280.

* What does he mean? Benefice does not interpret feudum, although the same thing may be intended by both.

† 'Lamprid. in Al. Sev. 58.'

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Severus, an original or some use of feuds in the empire may be well referred."*

Sir F. Palgrave on the same subject.

Sir Francis Palgrave is more positive on this point, for, having in his margin the words "Feudal Tenures to be traced to the grants made to the Limitanean or Ripuarian soldiery, under Alexander Severus and Probus," he writes, "In settling upon the soil, the military bodies were at first unbroken. The troops marched in with their standards, and the soldiers of the legion became the inhabitants of the city. But the foundation of these colonies was gradually discontinued. The interior of the subjugated provinces no longer required to be awed by the fear of military execution; yet the danger was not lessened though its scene was removed. The borders were threatened by the barbarians, the destined successors of the Cæsars, and to repress their incursions, the march lands which were gained from the enemy, were granted by Alexander Severus, and afterwards by Probus, to the Limitanean or Ripuarian soldiery, upon conditions well described as containing the germ of the feudal tenures of the middle ages, and which appear to have been adopted as the basis of the defensive system of the empire."†

Elsewhere the same gentleman says: "In the provinces of Spain or Gaul, which had been civilized by the Roman power, or within the sacred boundaries of Italy, the Goth, the Frank, the Lombard, and the Burgundian, possessed themselves of the villas and farms of the patrician, and held them as he had done, reaping the harvest of the senator, and drinking the produce of his vineyard. All the rights of the conquered were transferred to the conqueror; the warrior inherited both the land and the opulence of the owner, whom he had expelled; and though he was too proud to submit his person to the Roman law, still he

* Titles of Honor, p. 331, 332.

† Engl. Commonw. vol. I, p. 352-3.

could not introduce the usages of Germany without destroying the very form of society subsisting in the countries which he had subdued. Yet many approximations took place; the whole system of the military and other tenures of the Teutonic nations, from the period when they become known to us as the states of the middle ages, must be considered as the result of the intermixture of their own laws and customs with the jurisprudence of Rome; and the first chapters of the history of feudality must be sought in the decrees of the senate and the rescripts of the Cæsars."*

The northern subjugators of the Roman empire did not adopt its laws & customs.

35. There are, however, some considerations which seem to detract much from the influence ascribed to the Roman laws and edicts, and which do not tend to exaggerate the scruples that are here supposed to deter the barbarian conquerors from introducing their own usages, lest they should disturb the form of society. One of the effects of their incursion into the provinces was to depopulate large tracts of country, to eradicate towns, and to convert highly cultivated plains into immense and trackless deserts. Italy itself still bears evidence of the nature and extent of their ravages, and we owe the peculiar meaning of the word waste, as applied to wild, to this very circumstance.

It is well known that the conquerors did not dispossess the

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* Vol. I, p. 76, 77. The very different opinion of Judge Blackstone is not to be slightly treated. After quoting from Florus, the petition of the Cimbri and Teutones (Suprà p. 78.), he says:—"The sense of which may be thus rendered; they desired stipendiary lands, (that is feuds,) might be allowed them, to be held by military and other personal services, whenever their lords should call upon them. This was evidently the same constitution that displayed itself more fully about seven hundred years afterwards: when the Salics, Burgundians and Franks broke in upon Gaul, the Visigoths upon Spain, and the Lombards upon Italy; and introduced with themselves this northern plan of polity, serving at once to distribute and to protect the territories they had newly gained. And from hence too it is probable that the emperor Alexander Severus took the hint of dividing lands conquered from the enemy among his generals and victorious soldiery, on condition of receiving military service from them and their heirs for ever."—*Comm.* II, 46, 47.

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surviving inhabitants of all their lands; but they neither incorporated them with their own people, nor suffered them to have any voice in the government, which continued in its ancient and elective form. In Italy the Goths divided the land into three parts, one of which remained with the old inhabitants, while they appropriated the others to themselves. The choice was probably determined by drawing lots, according to the ancient custom of the northern warriors. At all events these latter portions are called, in Italy, the Lots of the East Goths;* in Africa, the Lots of the Wendels;† in Spain, the Lots of the West Goths;‡ and in France, the Lots of the Burgundians and Franks.§ In the case of the Franks, the portions taken by themselves had another distinctive appellation, and were called Salic Land, which was afterwards a privilege of ancient possession, so that to be of Salic extraction was a proof and title of nobility under the government of the Franks. The third portion was termed *alodium*, which Wachter supposes to be the Frankish words *an-hlot*, single lot, Latinized; but were it so, it would be equally significant of the Salic Land, to which alodium is not applied. Others suppose it to be the Norse *all* and *od*, possession,|| or *aud*, a desert, but the former does not express any peculiarity, and as for the deserts, they were left to be claimed by a more industrious posterity. The possessors of the alodium were the ancient inhabitants, who were permitted to hold it as they had been accustomed under the Roman government, and it was, therefore, hereditary. Whatever the word may mean,

Lots or Sortes of the Barbarians.

Alodium.

* Sortes Ostrogothorum.—*Procop. de B. G. l.* I, *c.* 1.

† Sortes Vandalorum.—*Ib. de B. Vand. l.* I, *c.* 1.

‡ Sortes Visigothorum, *l.* I, *tit.* 1. *capit.* 8, 16. Sortes Gothicæ, *Ib. tit.* 2, *c.* 1.

§ L. Salic, tit. 62, de Alodis.—Mezeray says that the Franks measured the land, and took only a third or fourth part, which was divided among the chiefs and soldiers.—*Histoire de France, l.* VI, *p.* 25. This author does not cite his authorities.

|| Ihre, Pontoppidan cum multis aliis. See also *Blackst. Comm.* II, 45; where "feodh," "odhal," "allodh," are all derived in this manner.

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Alodarii.

the landowners were called *alodarii*, which afterwards became a term of reproach. But there were other titles given to the possessions of the conquerors and the conquered, which seem to be of importance in considering how far the former were likely to study the laws and adopt the customs of the latter. While the lands of the conquerors were proudly named Gothic and Salic land, those of the old inhabitants were styled, in contempt, Roman Land, and the possessors of it, Romans. The reason of this will appear from the fact, that as the conquerors distrusted the alodarii, they required from them neither services nor duty for their land. They knew of no tenure but the military, and they were better soldiers than to trust the vanquished with arms, which, as before remarked, were invariably the token of freedom and a kind of nobility in the wearer. As the alodarii, or Romans, could not be entrusted with arms, they were exempt, from military duty, and excluded from all participation in the government. Thus the appellation of their land, though it might be valuable from its extent, distinguished the vanquished from the victors, and those who had the privilege of freemen in electing the rulers of the state from those who were denied that honor. The Gauls paid tribute to the Franks, but the Frankish landowner paid only with his person. He lived according to no law but the Salic law, the law to which he had been accustomed; but the Gauls followed the Roman law, and were called Romans. All other nations in their eyes were barbarians; and what is astonishing, observes Mezeray, the appellation, Roman, became vile and fell into extreme contempt, while that of Barbarian, rose in honor and esteem.* Barbarian and Gentile were both terms by which the old Romans equally designated such people as were not Romans, conferring the name of provincial on such nations as they reduced to the form of a province. The

The appellation Roman, becomes a term of contempt.

* Hist. *l.* VI, p. 26.

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northern conquerors naturally received the appellation of Barbarian in an honourable sense, since to be a Roman was to be vanquished and degraded from the manhood on which they particularly valued themselves. Gentile being the synonyme of Barbarian, was received in the same sense by Goth, Frank, and Lombard. Equally with barbarian it distinguished them from the Romans, who were subject to taxes, tributes, and legal disabilities and disparagements from which the gentiles were exempt. Hence, in Latin, they called those who were not Romans, both *barbari* and *gentiles homines*. The latter term, in the different kinds of Romance or provincial dialects, *gentilsomes*, *gentils hommes*, *gentilshombres*, and soon answering literally to the old *gentil men*, given to those whom we now call noblemen and men of good family.* The legal disadvantage of being a Roman may be inferred from the different valuations placed upon the life of a Roman, and that of a Frank or Salian, a Goth, a Ripuarian, a Burgundian, some of which national appellations are synonymous with nobility, as Frank and Salian. Thus the Ripuarian Code has the following laws in succession:

Origin of the term Gentleman.

If a Ripuarian slay a stranger Frank, he shall be condemned in 200 shillings.

If he slay a stranger Burgundian, he shall be mulcted 160 shillings.

If he slay a stranger Roman, he shall be fined 100 shillings.

If he slay a stranger Frisian, Aleman, Bavarian or Saxon, he shall be adjudged in 160 shillings.†

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* *Franc ome* and *gentil ome*, in Romance, *freeman*, and therefore noble; and *gentleman*, and therefore noble.

> " Et maint franc baceler illuec
> Feist cevalier avec son fil
> Qui furent franc ome et gentil."
>
> *Phil. Mouskes*, in Du Cange, *v. Gentilis.*

† Lex Ripuar. tit. 36. By the Salic law, if a Frank put a Roman in bonds without cause, he was fined 600*d*; but if the Roman committed this

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Filius Gothi.

A similar effect took place in Spain, where the proudest boast of a noble was, that he was "filius Gothi," the descendant of a Goth.* In that country, the life of a Goth was valued at 500 shillings, and that of a Roman at 300 shillings.†

Another reason for suspecting the extent of the influence ascribed to the laws of the Romans over their conquerors, is, that the great distinction between the vanquished and the victor consisted in the laws by which each was affected. Everywhere the barbarians lived under their own laws, and left the Roman law to the despised Romans. That the several codes compiled after their settlement in the subjugated provinces were translated into Latin, proves nothing more than their willingness to communicate them to the conquered, who were interested in many of the enactments then introduced. The Anglo-Saxons, on taking possession of Britain, composed their laws in their own language, without troubling themselves with an inquiry whether they would be understood by the Aborigines or the few Romans who might remain. But a remarkable consideration is called forth by the Latin codes, and that is the utter

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outrage on a Frank, he was fined 1200*d.* (*Tit.* 35, *n.* 3 & 4. See other examples under *tit.* 15, *n.* 3 & 4, *tit.* 43, *n.* 1, 6, 7 & 8.). Theodoric, in 526, prescribing the mode of swearing fealty to the king, seems to make no distinction between the two classes of his subjects, for he directs the Romans to make the oath to the Goths, and the Goths to the Romans.—*Epist.* VII. *ap. Bouquet, t.* IV, *p.* 11.

* This is supposed to be the origin of the Spanish *hijdalgo*, a gentleman by birth, which was anciently written *fijodalgoda* and *fijodalgod.* Hence there is a peculiar force in their proverb "El rey no puede hazer hidalgo,"—the king cannot make a *hidalgo*, which is entirely lost, if we believe with Pineda and others, that this word is *hijo dálgo*, the son of somebody. The Spaniards have a class of gentlemen whom they call by a name, which like the proverb, strongly enforces the derivation from *hijodalgoda*, the son of a Goth. It is the *hidalgos de avengàr quinientos sueldos*, or gentlemen who might claim a fine of 500*s.* for a wrong done by another; whereas one who was not a *hidalgo* could claim only 300*s.* As to the explanation of *hidalgo*, as a son of somebody, which is anybody, it does not correspond with the manner in which terms of honor were formed by ancient people.

† Ll. Wisigothorum.

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inadequacy of the language to express the titles of the conquerors and the terms of their laws and customs. In every page this incurable defect is conspicuous. Not only are Latin words superseded by barbarisms in cases in which they might have answered tolerably well, if there had been any desire to employ Latin, but even the most ordinary classical words are rejected in the same manner. Thus we find *baro* and *barus* instead of *homo* and *vir*. The body of the Law alone is Latin, while everything of real value, and constituting, as it were, the soul of the ordinance, preserves its barbarous appellation. A man of noble lineage is no longer a *patricius*, but an *adelingus;* the follower of a *patronus* is not his *cliens* or *famulus*, but his *vasallus*, and the *patronus* himself is a *dominus* with a new sense attached to his title. Their lands, utensils, arms, houses and furniture, though much the same as those of the Romans, have no Latin names; but if taken collectively they should be called their *facultates* or their *bona*, the meaning is not clear without the addition of *et catalla*:* and if a *barus* receive injury from another, he is to appeal, not as one might expect, to the *judex*, but to the *grafio* or *gravio*. Verbs expressive of highly criminal acts are treated with

Forensic terms of the barbarioms Latinized.

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* *Catalla* is of frequent occurrence in English law, in the translated form of *chattels*, of which both the etymology and signification are misunderstood. Blackstone, for instance, says that the word "primarily signified only beasts of husbandry or (as we still call them) *cattle*, but in its secondary sense was applied to all moveables in general."—*Comm.* II, 385. In Gothic *katala* is a pot or *kettle*; in Germ. *kessel*, Icelandic *ketill*, A.-Sax. *cetel*, *cytel* (whence *kettle*), and corrupted into *ceatel*, it produced *chattels*, the moveable property of a person. The Sanskrit *ghatah*, a water jar, is probably the original of these words, as well as of the Norman *cateux*. A skin for water, and a few kettles for cooking, constituted the domestic furniture of a Sakasen chief moving by desultory marches to the regions, whence his descendants issued to overthrow the greatest empire in the world. We can easily conceive the judicial graff pronouncing the decree of his court to confiscate the *faih* and *katals*, or beasts and pots of a delinquent, and thus understand how, upon *faih* becoming appropriated to denote money, *katals* came to mean both cattle and moveable goods.

like neglect, and *necare, occidere* or *interfiere* is usually expressed by *murdrare* or *mortrare.* The Latin having no word equivalent to the feodal *truth,* which implies radically anything fixed, established and certain, they sometimes represented it by *firmitas,* but more usually by *trustis:* and even in the ninth century we meet with *firmitatem facere,* as synonymous with *fidem dare,* both meaning to plight troth. These finally settled into the barbarous *homagium facere,* which is not precisely the same thing, though it includes the plighting. And with respect to the feodal *munus* and *beneficium,* which occur in the Formulæ of Marculfus, about the year 600, for lands held by military service, they were both displaced by the Indo-Teutonic *feod-um.* In short, the laws of the Gothic conquerors are dressed in a style *sui generis,* consisting of foreign words with Latin terminations, and of foreign idioms inadequately expressed in the language of Rome.*

The Salic code, in one series of its enactments, presents

* Almost as soon as the barbarians began to use the Latin for public purposes, the beneficial work of corruption commenced, through the necessity of employing their own terms in their simple laws, and those terms being better understood, were, on that account, more impressive than the corresponding Latin. Childebert, in a decree issued in 532, writes "cum *leudis* nostris" for *subditis fidelibus;* and "jaceat *forbattutus,*" to denote that one of two combatants shall be deemed the aggressor, literally the *first beater* or *striker.* The 6th section is conceived in terms not the most intelligible to his Roman subjects: "De *forfaliis* ita convenit, ut quicunque in *mallo* præsumpserit *farfalium* minare, sine dubio suum *widrigildum* componat, &c."—*Baluz. Capit. t.* 1, *p.* 17. In Marculf's *Formulæ,* "per *fortiam*" denotes *per vim (For.* 28.*),* and we read *tultis* for *ablatis, adsallire* for *adoriri, livorare* for *vulnerare,* &c. The laws of the Burgundians and Wisigoths are tolerably free from barbarous words; but those of the Salians and Ripuarians abound in them; for instance, the Salic Law *Tit.* 6, *de Herburgium, n.* 1, runs thus: "Si quis alterum *chervioburgum,* hoc est *strioportium,* clamaverit, aut illum qui *inium* dicitur portasse ubi *strias* cocinant:" and in the Ripuarian code, a sword is a *spata;* its scabbard, a *scogilus;* a strong coat of mail is a *brunia bona;* a hawk, a *gruarius;* a hole, a *traugus;* a spinning wheel, a *conucula,* &c.—*Tit.* 36, *n.* 11, *t.* 43, *t.* 68, *n.* 18, and *Tit.* 87, "De homine *forbannito.*"

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a formidable objection to the opinion that Roman laws or customs had any share in the composition of feodality. In regulating the descent of hereditable land, the alodial or that which belonged to the *Romans*, is allowed to pass into female descendants in default of male, a preference being given to the next of kin on the paternal side; but Salic land could not be inherited by a woman. The reason of the difference is obviously the existence and operation of feods at this time: the Franks who lived under Salic law only, were alone permitted to serve the state, and the only tribute they rendered for their possessions was their arms and bodies in defensive war. The Romans on the contrary, discharged the tenure of their lands by paying taxes, which could be done as well by women as men. In process of time, when these two classes became assimilated in manners and language, and intermarriages had taken place, the alodarii began to convey their estates to the sovereign in order to take them again on the conditions of feodal tenure.*

Beneficiary Estates.

Mr. Sullivan, in noticing the change of beneficiary estates into inheritances in France, briefly describes what took place in that kingdom with respect to the admission of the conquered to an equality with the Franks: "What greatly contributed," says this learned writer, "to the extending of these grants to indefinite generations was the inclination that now seized the Romans and Gauls, who held allodial lands, to be admitted into the feudal policy by becoming vassals to the king. They had long lain under very humiliating distinctions. They were no members of the state.

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* We find Charlemagne adopting the distinction between his *Roman* and other subjects: "Romani successiones juxta illorum legem habeant, similiter et omnes scriptiones secundum legem suam faciant, et quando jurant, juxta legem suam jurent. Et alii similiter faciant. (That is, other people shall do likewise, according to their respective laws.) Et quando componunt, juxta legem ipsius cujus malum fecerint, componant: et Longobardos illos convenit similiter componere. De cæteris vero causis communi lege vivant, quam dominus Carolus excellentissimus rex Francorum et Longobardorum in edictum adjunxit."—*Ll. Longob. l.* II, *t.* 56.

The loss of their lives and other injuries were compensated only by half the satisfaction to a Frank. For neglect or contumacy when called into the king's courts, they were reputed guilty, and forfeited their estates, whereas a Frank was only imprisoned to oblige him to answer. When accused of the lightest crimes, they were put to the ordeal, whereas the Franks were only subjected thereto in case of murder. And many others were the distinctions between the allodial and feudal tenants. No wonder then the former were very desirous of enrolling themselves among the conquerors, which, when they at length obtained their liberty, was effected by giving their allodial lands or a part of them to the king, and receiving them back subject to the feodal rules. Now were they immediate vassals of the king, and as such became Franks to all intents and purposes. But this people was not so foolish, nor could it be expected of them, to part with absolute inheritance, and take back only an estate for life. They insisted upon grants for a perpetuity, at least for as long as the issue male of the person receiving lasted. When once these donations became common, the Franks were very ready to follow the example, and to take all advantages either of the favour or the weakness of the king, and to such a number did these inheritances increase, that about the year 730 the kingdom was near being lost to the Saracens for want of a sufficient number of beneficiary or life estates to encourage the soldiery.*

Although the power of the king was now and for long afterwards merely nominal, the maxim might very well begin to be adopted, that he, the representative of the state, was the owner of the soil. The phrase "tenere in alodio," in the early writers, refers to a time when there were many proprietors, whose transition into feodatories gave rise to the maxim, "nulla terra sine domino," in like manner

* Hist. Feudal Law, p. 112.

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seems to confirm the establishment of the former maxim. It would be at this time that the term *beneficium* was changed to feodum.*

Rise of the Feodal Law.

Military service, and not the possession of the soil by a prince, was the fundamental condition of all feodal donations. Whether the state or an individual were the grantor the reciprocal duties were the same. At first they were simple, but after the conversion of alodial territory into fiefs they became complex, and gave rise to the collection of customs and usages called the Feodal Law. "As to the law and practice of feuds, when they became inheritances," says Sullivan, "there can be little doubt it was owing to the Franks; for the books of the feudal law written in Lombardy, acknowledge that the emperor Conrad, who lived about 1024, was the first that allowed fiefs to be descendable in Germany and Italy; whereas the kingdom of the Lombards was destroyed by Charlemagne above 200 years before; and he it was who first established among his own Franks the succession of fiefs, limiting it indeed to one descent. His successor continued the same practice, and by slow degrees this right of succession was extended, so that by the time of Conrad, all the fiefs in France, great and small, went in course of descent, by the concession of Hugh Capet, who made use of that device in order to sweeten his usurpation, and render it less disagreeable. (*Esprit des Loix, l.* 31, *c.* 31.) By that concession he, indeed, established his family on the throne, but so much weakened the power of the crown, that it cost much trouble, and the labour of several centuries, to regain the ground then lost."†

If the conquerors everywhere set aside the Roman laws, institutions and customs in favour of their own; if they held the vanquished in profound contempt, denied them

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* See pp. 66, & 76.

† Feod. Law, p. 23.

civil rights, and discouraged the use of their language,* and if everywhere they established those characteristic institutions which exercise powerful influence at the present moment, it will be difficult to believe that the feodal polity, brought with their ancestors from Asia, and for centuries forgotten by the Romans, was the only exception, and owed its rise to the grants of Roman emperors, or the statutes of the Roman senate.

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* The antipathy to the people and language is visible in a decree of the emperor Frederic Barbarossa some centuries afterwards, by which he directs the confiscation of the property of a German soldier who should associate with one of Roman race, unless the latter spoke German. It is preserved by Gunter:—

Miles Teutonicus socium de gente Latina
Non habeat, nisi noticiam sermonis habentem
Teutonici: quod si præsumpserit, omnia perdat.
Ligurin. l. VII, *Reuber. Script. Germ. p.* 385.

CHAPTER V.

The principal terms in the Feodal Law result from the nature of the moral bond between the chief and his followers. Homage and fealty; Oaths of allegiance; and Duties of Vassals.

1.—Feodal institutions traceable in Scandinavia. 2.—Frequent allusions to them in ancient compositions of the Northern and Germanic nations; the military companions of the Germans are the same as the Sanskrit *sithis.* 3.—Instances of feodal usages: Pit and Gallows. 4.—Treason and cowardice. 5.—Ancient oath of fealty. 6.—Ambacti, ambatscia, and ambassador. 7.—Oaths of allegiance,—a Saxon, Frank, Norman; Modern allegiance not founded on Gothic constitutions: Wapentake, View of Frankpledge, Hundred Court. 8.—Troth, truage; Drost, a governor; Gograff, antrustio, druerie. 9.—War-leader, army leader, various names of; War shield, and custom of summoning followers; the bell-house of the Saxons, tinel da rois, &c.: herberge, heristall, stations of the tribe or army. 10.—Land substituted for food or military rations; the northern *veisla,* a banquet answered to fœdum, and the Rajpoot *putta.* 11.—The veisluman, or vassal. 12.—Len, lehn, &c. answering to loan; names of fiefs. 13.—Lords of such loans. 14.—Bonds or land owners. 15.—Derivations of allodium. 16.—Udell succession, Fowd of Zetland. 16.—Power of the aldoras.

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Feodal usages in Scandinavia.

1. The evidence that the feodal system existed in Scandinavia from ages more remote than the destruction of the Roman empire, is more particular than is to be found to support that of the Teutonic system; for in addition to the same kind of reasons, which so satisfactorily establish the latter, we have the direct testimony of the literary compositions of the north, both historical and ornamental or fabulous. In this part of the world "Roman foot never trod," and both Roman laws and language were equally unknown. The conquerors of the world were not volunta-

rily acquainted with those hardy warriors, who frequently carried fire and sword into their richest provinces, and returned laden with the wealth which they found accumulated from every quarter of the earth but the frozen regions of the north.

Feodal customs occurring in the ancient writings of Scandinavia and Germany.

2. The literary remains of the Germans and Anglo-Saxons have not a higher antiquity than the seventh century; the Gothic fragments of Ulphilas, of the fourth century, are of little assistance in historical research; and it may be doubted whether the Norse or Icelandic compositions, which are ascribed to an earlier period than the two first, are really any older. They possess this advantage however, that many of them are of an historical nature. The Heims Kringla, or Chronicle of Scandinavian kings, compiled in the twelfth century, are professedly deduced from very ancient ballads of the kind that Tacitus notices among the Germans. Many of these historical poems, from which numerous extracts are preserved in the compilation, may be safely referred to a date not later than the fourth or fifth century. This is also the period, in which Mr. Kemble reasonably supposes the Anglo-Saxon poem of Beowulf received its original form. Of the Sagas destitute of the character of history, and occupied with mythological adventures, it is unnecessary to conjecture the age. Like Beowulf, notwithstanding their fabulous contexture, they are valuable auxiliaries in the recovery of forgotten truth, and records of manners and usages of which no other traces exist.

More or less, these productions of both classes, abound in incidents, allusions and terms, which agree with what is said of the Germans by Tacitus, and leave no room for doubt, that although the people are not the same, they have sprung from the same stock. The want of records of Scandinavia and Germany, coeval with the production of the Roman historian, though it may be regretted in some departments of literature, is not of extreme importance in the present inquiry. When we find manners,

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customs, and laws, of which vestiges yet remain, closely described, we can scarcely doubt that the terms, by which they are mentioned in the oldest compositions of the people by whom they were practised, are the same that were employed when Tacitus wrote. And when he names or describes particular orders of men, there is equal reason to believe that we still possess the terms that were used to designate them. For instance, he informs us that a composition for homicide was paid by the slayer to the family of the slain,* and we find this very composition known to the ancient laws of all the German nations, north or south of the Baltic, by a singular and expressive appellation.† He tells us that the people were divided into hundreds, and hundreds are still existing under that precise denomination; that the chiefs were surrounded by a troop of youths selected as the flower of the hundreds, to constitute at once their glory and their defence; and a very ancient order of nobility is still existing, whose members are styled youths, for such is the meaning of the old German *knechten*, and the modern English knights.‡ They are otherwise termed

Knights, Youths, or juvenes.

* De Mor. G. 28.

† The *ættarbot* of the Northmen, was the same as the *leodgild* of the Anglo Saxons, and the custom was brought by them from Asia, where it still subsists, according to Col. Tod, who does not give the name. *Ættar*, in Icelandic, is relationship, and *bot*, a compensation; *ætte*, Alamannic; and *atta*, Gothic, a father, convey the idea of the word. The *ættarbot* was the composition paid to the family in satisfaction for the slaying of their relation. The *leodgild*, where *leod*, people, appears restricted to tribe, was the sum paid to the nation; and the *wergild*, common to the Saxons and Germans, was the sum or price paid for the man. It was proportioned to his rank, and was therefore his price or value. Ihre quotes from Palthenius, a passage in an ancient Pomeranian Chronicle, relative to the ættarbot, or family composition, among the Rugians: "Wer einen erwurgt der hat erzliche ochsen zur busse gegeben, und solche söhne hat nicht der negste blut, sondern die ganze hitzche oder freundschaft genommen." Whoever killed another gave a number of oxen to make boot or compensation, and this fine the next of blood does not receive, but the whole family or kindred. —*Not. ad Tat. p.* 311.

‡ The very "juvenes" of the Roman historian are noticed by Ammianus

riders or cavaliers, that is horse-men, and the service of those youths on horseback is particularly noticed by the Roman historian. "There was a great emulation," says Dr. Brady, summarily combining the accounts of the Germans by Cæsar and Tacitus, "among the Comites, who should be the favorites, and among the princes who should have the most and strongest. This was their honour, this their strength, to be encircled with a multitude of young men, an ornament in peace, a guard in war; yet none might take arms before he was approved by the nation. Then in the very assembly or council of the princes, either his father or his kindred adorned him with a sword and spear. This was the first honor of their youth: before they were merely a part of the family, now of the commonwealth: high nobility and the great merit of their fathers, gave their sons, though young, the titles of princes: it was dishonorable for the prince to be overcome, and dishonorable for his followers not to equal his courage: they were infamous ever after, that returned alive from the battle where their princes were slain, it being the chiefest part of their oath to preserve, defend, and make him glorious. They received from him a horse fit for war and a bloody and conquering spear: the reward for their services was meat and drink, and large, though rude, entertainment instead of pay or stipend. And when from the prince's munificence they received a boon, it was of things obtained by war and rapine. Theft, not being infamous out of their own nation, was allowed for the exercise and exciting the courage of their youths, for without that a numerous train of followers could not be maintained. The princes, as an honorary and for their sustentation, received for every man of the nation a quantity of cattle and corn, and from the

Summary description of German customs.

Marcellinus among the Burgundians, whom he describes as 'brave, warlike, and almost invincible by their courageous and numerous *youths*."—*L.* xxviii. *c.* 5. The Burgundians would not call them *juvenes,* but *knechten,* knights.

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neighbouring nations choice horses, arms and furniture. Here seems to be the beginning of fees and feudal tenures or benefices; here is a necessitude between the prince and his *comites* or followers, and a mutual obligation; they swore to defend him; he arms, feeds, and supports them; yet they were little more than mere *comites* according to the notation of the word *cum* and *eo,* and it became a title of dignity from their accompanying the general in war.* These *comites* were all horsemen chosen out of the noble and best sort of people, a hundred out of every *pagus,* and he who commanded them was called *hundredarius* or *centurio.*"†

Instances of feodal usages.

3. Each of the foregoing particulars, and, indeed, by far the greater part of the circumstances noticed by Tacitus, might be amply confirmed from subsequent authors of Germany, north and south of the Baltic. One example will sufficiently answer for the present, and show the use of which mere romance may be made in tracing the extent of manners and customs. In the Saga of king Half and his Warriors, Hiorleif, a Norwegian prince, having a heavy charge to prefer against his queen, laid it before the general assembly of his people, by whom she was tried and condemned to death. This is exactly the process which we are told obtained among the Germans in capital crimes.‡

* The origin of the corresponding title in the Germanic languages was traced, in *p.* 81, to the Sanskrit *sithi,* a disciple, from the verbal root *shidh,* go, move, travel. It may be here remarked that the collective particle, *ge,* A.-Sax., *gi* Old German, and *ga* Gothic, is the Sanskrit copulative conjunction *cha,* which radically signifies to *collect.* The Latin *comites,* answering to *gesidhas, gesindon,* is equally Sanskrit, though belonging to a different root. *Cha* is the Gr. *kai,* and the Latin enclitive particle *que,* and; it is also the *co, col, com, con,* and *cum* of the Latin, the final consonant being no more than a euphonious addition, changed or rejected according to the sound to which it is joined.

† Hist. of England, p. 56, s. 8. It should be observed that *centurio* is classical, and *hundredarius,* low Latin. The Goths called this officer *hundafadhs,* the Germans *hunno,* and the Saxons *hundredes caldor.*

‡ De Mor. Germ. 12.

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The assembly prescribed drowning or suffocation in a bog as the mode of punishment, but the prince interposed and saved her life.* Tacitus expressly mentions the practice which prevailed among the Germans, of suffocating such as were unfit for war by plunging them into a lake.† By a law of the Burgundians, women who forsook their lawful husbands were smothered in mud.‡ The Anglo Saxons brought this mode of punishment into England, where it was long known by the terms *Pytte and Gallows*,§ to denote the drowning of female and hanging of male offenders. Spelman has transcribed a curious record of the drowning of a woman at Croydon, in the reign of Richard I.;‖ and in every page of the *Placita de Quo Warranto* may be found the claim to have a pit and gallows, which Coke says, were privileges exercised by lords of manors.¶

Pit and Gallows.

The royal prerogative of extending mercy to criminals is not mentioned by the Roman observer of German customs, but there can be no doubt that it was possessed by these early monarchs, and exercised as stated in this fabulous story of king Hiorleif. Respecting the disgrace of returning home after the defeat of a chief, the Sagas have numerous instances of his companions devoting themselves to death in preference to a life of dishonour. One of king Half's warriors declares before his own fall:—

Prerogative of mercy.

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* 'Thad dæmde landsfolkid ad Æsa væri dreckt i myre, enn Hiorleifur kongur sendi hana uppa land med heimanfylgiu sina.' This adjudged the people, that Æsa should be drowded in a marsh, but the king sent her up the country with her retinue of domestics.—*Saga Thattur af Alfe k. og Reckum hanns*, c. 8.

† Palude mergunt.—*De M. G.* 28.

‡ Si qua mulier maritum suum cui legitime juncta est, dimiserit, necetur in luto.—*Tit.* 34 *n.*

§ "Furca et Fossa."

‖ Two women, who had stolen a large quantity of cloth, at Croydon, entered Sufliet, pursued by the townsmen of the former place. They were tried by hot iron, (by ordeal), by which one was acquitted, but the other was convicted, and was thereupon drowned in the Bike Pool.—*Gloss.p.*21.

¶ 1 Inst. III. 38.

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Hier mun Innsteirn	Here will Instein
til jardar hniga	sink to the ground
boskur ad hofdo	undismayed at the head
hers odvita.	of his lifeless chief.
Thad mun segger	This shall men
ad sognum giora	in stories record,
ad Halfur kongur	that king Half
hlæande do.	while laughing died.

Treason & Cowardice.

4. In the ancient poem on the exploits of Beowulf, a mythic hero, the form of a denunciation of cowardice, and the high crime of *hlafordswic* or treacherous desertion of a feodal chief, is preserved, and is no doubt of the most remote antiquity.* While the hero was engaged in a fatal combat with a fiery dragon, his *companions*, stricken with terror, deserted him, on which Wiglaf pronounced the following malediction :—

Nu sceal sinc thego	Now shall the service of treasure,
and swyrd gifu	and the gifts of swords,
eall edhel wyn	all joy of paternal inheritance,
eowrum cynne	all support
lufena liegean	of all your kin depart;
lond rihtes mot	every one of your family
thære mæg burge	must go about
monna æghwylc	deprived of his rights
idel hweorfan	of citizenship;
sydhthan ædhelingas	when far and wide
feorran gefriegean	the nobles shall learn
fleam cowerne	your flight,
domleasan dæd	your dishonourable deed.
deadh bidh sella	Death is better
eorla gehwylcum	to every warrior
thonne edwit lif.	than disgraced life.

Mr. Kemble remarks on this passage, that it is not improbable that the whole of the denunciation is a judicial formulare: such we know early existed, and in a regular rhythmical measure: the classical reader need not be

* In the mature state of the feodal system, treachery and rebellion against a liege lord, were included in the term *felonia*, felony, which ought to be written *fellonia*, for a reason that will hereafter appear.

reminded of Aristotle's νομοι. Chlodovic seems to make use of a similar formulare to his kinsman Ragnachari, who had suffered himself to be taken prisoner and bound. The anecdote, which Mr. Kemble quotes, is to the effect that Chlodovic addressing the delinquent, asked, "Why have you disgraced our family by suffering yourself to be bound? Were it not better for you to die?" Then raising his spear he slew him. Turning to his brother, he said, "If you had afforded succour, your brother would not have been bound;" and then killed him in like manner by piercing his head.* Tacitus says of the Germans, that 'to have left their shield behind is a mark of disgrace, nor is it lawful for a person so branded to be present at their religious rites, or to enter their assemblies, and many who have survived the battle, have terminated their infamy by the halter.'

Ancient Oath of Fealty.

5. Nothing can be more explicit than the words of this writer in describing the nature of the bond and mutual obligation between the chief and his followers, when he states that the latter took an oath to defend him, and that the former, instead of rewarding his services with a stipend or certain pay, furnished him with food and entertainment, or as our work-people say, with wages in board and lodging, on a large but rude scale of liberality. Each of these circumstances being regular and customary, had its appropriate name, distinguished by its peculiar application from an ordinary word. A common epistle is, in English, what it ever was, a writ, but a writ is confined in use to lawyers, and a person may be a noble man without being a nobleman or allied to nobility. The companionship, the oath of fealty, the free quarters, the stipulated rations, and the duty and service reciprocated between the chief and his followers, were all designated in this manner without doubt before the Sakasenas left their native plains and hills in Asia, at a period beyond the reach of European history;

* See the valuable Note on Beowulf, 5763.

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Ambacti, Ambascia, and Ambassador.

and they continued so designated while feudality existed as a systematic institution in Europe.

6. The companions of the chief, whom Tacitus calls *comites,* and explains to be youths on horseback, had been named by Cæsar *ambacti.** That the youthful cavalry were knights, and so called by the natives themselves is more than probable, and that the term, though common to all young men,† was the distinctive appellation of a mounted soldier in close connection with the chief, is almost certain from this adoption of a Teutonic word by Cæsar in connection with a classical term denoting that connection. We call it Teutonic in the broadest sense, for it is common to all the cognate dialects spoken from the northern extremity of Sweden to the Danube, excepting the Slavonic. It is found, after Cæsar, in the Gospel of Ulphilas, *andbahts,* a ministering officer, and in one place it is used in contrast to *skalks,* a servant.‡ Probably the next form which it assumed is given in the Laws of Ethelbert, in 532, where *ambiht smith,* the superintendent of the royal armourers occurs,§ and in Beowulf:—

* Alterum genus est equitum. Ii, quum est usus, atque aliquod bellum incidit—omnes in bello versantur; atque eorum, ut quisque est genere copiisque amplissimus, ita *plurimos circum se ambactos clientesque habet.—De B. G.* VI, *c.* 15.

† *Cniht,* a boy, a youth, a servant, is the Anglo-Saxon form; *kneht,* the Old German, which Wachter says was the first *knet, knit.* The attempts to explain this word by derivation are numerous and erroneous. *Knet* appears to be etymologically the same as *gnat*-us, Lat. a son, a boy, one that is born. In Sanskrit, whence these terms have proceeded, distant kinsmen are called *jnati,* relationship is *jnateya* (from *jan,* to produce), but a band of kinsmen, *bandhata,* which would be correctly represented in Anglo-Saxon by *bandhad,* and in English by *bondhood.*

‡ "Stodhun skalkos jah andbahtos,"—the servants and officers were standing.—*Joh.* xviii, 18.

§ *Ambt* (now *amt*), an office or employment, which Wachter considers to be a contraction of *ambaht* or *ambacht,* is probably the Sanscrit *amatya,* a counsellor, minister; hence *amtmann,* the governor of a castle, bailiff, &c. Professor Pott derives *ambactus* and Goth. *andbahts,* from Sanskrit *bhadsh* (bhaj), to serve.—*Etymologische Forschung, sh.* II, *p.* 47.

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Tha he him of dyde	Then he did off him
isern byrnan	his iron hauberk,
helm of hafelan	the helmet from his temple;*
sealde his hyrsted sweord	he delivered his adorned sword,
irena cyst	of irons the choicest,
ombiht thegne	to the ministering thane,
and gehealdan het	and bade him preserve
hilde geatwe.	the trappings of war.

L. 1335.

This is clearly a knight in attendance on the prince. In the same poem the warder of the sea coast is styled by this term:—

Thær on wicge sæt	There on his charger sate
ombeht unforht.	the minister unfearing.

L. 570.

And even Beowulf, a prince, attributes the name to himself as the vassal of king Hrodhgar or Roger:—

Ic eom Hrodhgares	I am Roger's
ar and ombiht.	messenger and minister.

L. 669.

Ambacht-mann.

In the Rhythmic Chronicle, an *ambachtmann* is represented as freely delivering his opinion to the emperor Frederic Barbarossa:—

Do sprak eyn sin ambracht man.
Then spoke one of his ministers.

C. 32. *v.* 58.

Ambacht.

In the thirteenth century, *ambacht* was a general term for office.† From an edict of Magnus Ericson of Sweden,

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* The original *hafela*, may mean the head; it is a cognate of the Greek *kephale*, Low Lat. *capellum*, Sanskrit *kapala*, the head. *Capellum ferri* or *ferreum*, is an iron cap, a *chaplet*.

† As appears from the same Chronicle, c. 58.

"Der kong sande vor sek hen
Den kentzeler unde de Dorsten sin
Unde de Ambacht lude an de stat,
Dar he sek hen bereidet hat."

The king sent down before him
His chancellor and his trusty commanders,
And the official people in the city, &c.

Dorsten should be *Drosten*.

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issued in 1344, when he was about to depart from Norway, the form appears to have been *aombetsman*, corresponding nearly to the Anglo-Saxon *ombeht*, and denoting a viceroy.* The Icelandic Sagas, however, apply the word to slaves,† but on what account is not very clear, unless we conceive, that in consequence of the original sense of the word, one that obeys a command, it became degraded in the Norse. *Anbyht scealcas*, in the poetical fragment of Judith, are ministers, or servants in command over servants. Cæsar's *ambacti* are unquestionably officers, and are described as *clientes*, from their personal attendance on the chief. They were a guard of horsemen having command over others, as was the case with the knights a few centuries later. It may be remarked that *ambascia*, in the Salic Laws, a word of the same origin, is used for service, and is manifestly the original of embassy and ambassador.

Ambascia, Ambassador.

Man, a vassal.

The ambact knights were bound to their lord by a particular oath,‡ to which allusions as well as direct mention by name, are of frequent occurrence. Asmund, king of Hordaland, in Norway, takes the oath of fealty and becomes the vassal of king Halfur,§ and it is observable that the word employed to denote a vassal, signifies a *man*. The feudalists have transferred this signification to the

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* 'Waar aombetsman skal war aarliken ingield uppbæra, litin ok myckin, han ok thri af wart raadhi lagsaghu hwarie, mædhan wi af landit fara, skulu warn dom hafwa.' Our revenues, large and small, shall be delivered to our minister, who, with three of our council, while we are sojourning out of the land, shall have our judgment, i. e. administer the government.—*Ihre, in v. Æmbete.*

† 'Vard han tha miog reydhur, er Hlodhr skilldhi ambättar son heita.' Then was king Humli highly exasperated that Lodi should be called 'son of a female slave.'—*Hervarar Saga, c.* 18, *fo.* 14, *b. Addit. MSS.* 11,108.

‡ Principem defendere, tueri, sua quoque fortia facta gloriæ ejus ad signare, præcipuum sacramentum est.—*Tacit. M. G.* 14.

§ 'Enn er Halfur kongur kom til Hordalands, tha var Asmundur kongur a fund hanns og giordest hånns madur og sor honum eyda.' When king Half came to Hordaland, king Asmund meeting him became his man and swore the oaths.—*Sagann af Halfe k. c.* 11.

Latin *homo,* the French *ome* and *home,* and the English *man,** which though etymologically denoting a reasoning animal,† was used emphatically for a warrior. From the relation created by this oath between the chieftain and his plighted follower, sprang a most significant term, *manskap,* as it survives in Swedish, or *manschap,* in Dutch, which the feodalists imitated in coining the words *hominium* and *homagium.* Another Teutonic word, meaning man in the sense of a warrior, was introduced by the Longobards to the north of Europe, where it eventually became a title of nobility or honour, *baron;* while *man* with the addition of *good,* after long maintaining an equality with knight, finally sank into a very homely, though by no means disrespectful appellation.

Home, Homage.

Baron, a Man.

Good-man.

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* Rymer, t. I. and II. *passim.* Philip le Bel, in a mission to Edward II. of England, calls him his "home," in respect of lands in France *(Trivet, Chron. ap. D'Achery, Spicil. t.* VIII. *p.* 666*),* which appellation the latter endeavours to disclaim by his ambassadors:—

For whilom thou wrote him tille,
and calde him in thi brefe,
Thy kynde, faythfull and leale
of Gascoyn noble duke,
Therto thou set thi seale,
that right wilt thou rebuke,
Never sithen hiderward
Suilk speche unto him touched,
Werfore our kyng Edward
in thouht full well has souched,
Thou *holdes him not thi man,*
no thing holdand of the,
Ne the thinkes never forthan,
to mak the more feaute,
Ne hopes to wynne that land
with dynt of dougty knyght,
Of God he claymes holdand,
and never of no right."

Robert of Brunne, p. 258.

† It is the Sanskrit *manava,* having reason, *i. e.* a man, from the root, *man,* to think. Tacitus says that the Germans derived their descent from Mann.—*De Mor. c.* 2.

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Ancient forms of swearing allegiance.

7. The feodal oath of allegiance among the northern warriors was called the *trunadar eidr*, literally the oath of fidelity, and therefore corresponding with the Southern oath of fealty, which is a corruption of fidelity, in the same manner as *leal* is from *loyal*, O. French *loyalte*, Spanish *lealtad*, from Latin *fidelitas*. All the Germanic nations swore the oath upon their weapons. Ammianus mentions this custom among the Quadi,* whose Asiatic origin is testified by their name, which is the Sanskrit *Vyadhas*, hunters, whence the O. Norse *veidi*, hunting, the Sanskrit *V* being always changed by the Romans to *Qv*. The Danes, the Swedes, and the Baiwari, swore with their swords drawn, and the phrase among the old Saxons, "to swear with the armed hand," refers to the same custom among themselves. The Alamanni swore upon a drawn sword; so did the Bulgarians; and the tribes at the foot of the Pyrenees swore upon two spears crossed saltierwise.

Scandinavian Oath.

We have the full import of the Scandinavian oath in the story of Hervor, where the technical *trunadar eidr* is opposed to the *svardægi* or ordinary oath: "King Heidrek addressing his men," says the skald, "required oaths from them all, in order to secure their oaths of fealty; and none daring to refuse, they all swore their oaths to render him warlike aid as well without as within the land.† The expression to *become the man* of a superior, to which was often added, and *be true friend*, equivalent to the more recent phrase, loyal and faithful friend or *leal et feal amy*, is of very frequent occurrence in these compositions, and always implies the bond of union between the lord and vassal.

True friend.

* Eductis mucronibus, quos pro numinibus colunt, juravere se permansuros in fide.—*Hist. l.* XVII. *p.* 107.

† Tha taladhi Heidrekr kongr til sinna manna, ok beiddist af theim ollum suardaga, at vinna sier trunadar eida. Enn thui kunni eingenn neita, ok soru aller menn honum tha eida, at veita honum lidh, bædi vtan lands ok innann.—*Hervarar S. c.* 11. *fo.* 9 *b.*

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Gothic allegiance.

The necessity of extending mutual assistance in an age of universal murder and rapine, is the origin of Gothic allegiance and the foundation of its maxims. If the poor and the weak sought protection from the rich and the strong, the latter was obliged to rely upon them for the defence of his possessions. Every man capable of aiding in warlike business, was a free agent, and could not be commanded without his own consent. The powerful, therefore, engaged the continual assistance of the poorer freemen, and retained them in his immediate vicinity by allotting them portions of his own land, as their alimony and the recompense of their military services; or where there was no land to bestow, he maintained them in the manner described by Tacitus. Hence resulted the oath of fealty and the oath of obedience *(hyld ath,)* which the person engaging to defend a superior, swore upon his spear or sword held across that of his lord, who holding it forth for the purpose, thus plighted himself to observe the conditions of the sworn engagement. These conditions were reciprocal: the superior engaged to protect and maintain the vassal; the latter vowed to defend the superior so long as he observed that engagement. This was the "allegiance, the tie, or *ligamen*," to use the words of Judge Blackstone, "which bound the subject to the king, in return for that protection which the king affords the subject."* If either failed in the engagement, the contract was voided, the allegiance was at an end, and he of the two that first broke his faith, was thenceforth a *fellon* to the other, that is, as explained by the etymology of this term, they were as enemies and in a state of war with each other. This is the reason that the old feodal law treats of fellonies committed by the lord against the vassal, as well as the contrary. The Anglo Saxon oath explicitly names each particular just recounted; the contract before taking the oath, the promise

Felony.

* Comm. I. 366.

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to defend the chief, the engagement of the latter to defend the vassal, and the voidance of the allegiance on failure to observe the conditions of the contract:—

A.-Saxon Hyldath or Oath of fealty and homage.

"On thone drihten the thæs haligdom is fore halig. ic wille beon N. *hold* and *getriwe*, and eal lufian thæt he lufiath, and eal ascunian thæt he ascunath, æfter godes rihte, and æfter woroldgerysnum, and næfre willes ne gewealdes. wordes ne weorces. owiht don thæs him lathre bith *with tham the he me healde* swa ic earnian wille. and ealle thæt læste thæt uncer FORMÆL wæs thæs thu to him gebeah. and his willan geceas."*

"By the Lord before whom this shrine is holy, I will be faithful and true to *N.* and love all that he loves, and shun all that he shuns, according to divine justice and worldly principles, and never of my will or power, word or work, do aught that may be hurtful to him, on the condition that he protect me as I shall deserve and fulfil, which our precontract was when I submitted to him and chose his will."

In the terms of this oath, a voluntary submission to the will of a chief, on the one hand, and a promise of protection on the other, are clearly expressed. The *formæl*, forespeech, is the previous compact, of which the oath was the ratification. He that took it was in a state of manred manhood, manschap, manskap, or homage;† and he that

* Gloss. ad X Scriptores, *v. Fidelis.*

† For *manred*, see *p.* 46 & 56, *n.* *Manræd* occurs in the Saxon Chronicle; *manskap* in an old Swedish history of Alexander, quoted by Ihre:

"Swa raodis the fore hans wrede
the toko manskap alle i sänder."

So rued they for his wrath
they all took homage to his messenger.

It is often found in the public acts of Sweden, when the people promised the king elect, "huldskap, troskap och manskap," goodwill, fealty and homage. In Dutch, "manschap doen," answers literally to the English, "to do homage." In Robert of Gloucester, the term is *manhede.* In Sanskrit, *manya* is obedience.

The following passage in the Glossary to the Ancient Laws and Institutions of England, relates to the Saxon Hold:

received the oath, owed *hyldo* or favour and protection to the *hold* or faithful vassal, and he was, in this point of view, denominated his *gehyld* or protector.* And it may be observed that the Franks employed very similar language in noticing these relations; thus in the famous ode on the victory of Ludwig over the Northmen, in July, 882, the gifts and favours of God are detailed in feodal phraseology:—

> " *Holoda* nam *truhtin*
> *Magaczogo* warth er sin
> Gab' her ihme *dugidi*

" O. N. *hölldr.* In its Norse acceptation this title is defined by Biorn Haldorsen, as *dominus fundi aviti vel allodialis.* The Index to the Gragas describes a *holldr* as *colonus odalicus vel fundum aviti tenens.* From the amount of his weregild, which is double that of a priest or thane, it is evident that he enjoyed a very high rank in the state. The title was most probably introduced by the Danes, and limited to East Anglia."

Haldorsen and the Gragas explain it in its secondary acceptation. In ancient phraseology, to cover is to defend, and a protector is one that stands in the stead of an actual covering (pro tecto). *Ge hyld* in A.-Sax. is a protector. The word corresponding etymologically with *hyld,* fidelity, and *hyldo,* favour, protection, in Gothic is *huldh*-s, merciful, and it appears connected through the participle *hulidh-s* with *huljan,* to cover: and HULDh-s=CULT-us Latin, both from the Sanskrit *chal,* to cover. Cultus, in its sense of worship or reverence, probably refers to the ancient ceremony in adoration, of covering the head and face. *Hyld-adh* is literally the oath of fealty, and while *hold, hölldr,* is the person taking the oath, *ge-hyld* is his protector. All the circumstances of feodality, that is, military service, land for aliment as wages, and assurance of protection, are enumerated in the following passage from Beowulf:—

Ofer madhmum sealde	Besides the treasures, he gave
hiora gehwædhrum	to each of them
hund thusenda	a hundred thousand
landes and locenra beaga	of land and locked rings,
ne dorfte him tha *lean* othwtan	nor needed any man upon earth
mon on middan gearde	to upbraid him with these rewards,
sydhthan hie tha mærdha geslogen	since they won their glory with blows;
and tha Iofore forgeaf	and then to Jofor he gave
angan dohter	his own daughter,
ham weorthunge	a dignity to his home,
hyldo to wedde.	as pledge of protection.

L. 5982.

* Manna gehyld.—*Beowulf, l.* 6107.

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Fronisc *githiyni*,
Stuel hier in Vranken
So bruche her es lango."

Staug. 2.*

The Lord accepted him as his *hold* or vassal;
His *kin-leader* he became;
He gave him nobles (doughty ones)
Illustrious co-thegns, (counts,)
A stool (throne) here in Franconia,
Which may he long enjoy!

It is observable also, that in the Saxon oath, fidelity is promised to *N.* only, and not to his heirs, nor indeed to him any longer than he acted as *gehyld* or protector. When Judge Blackstone says that the name and form of modern allegiance are derived to us from our Gothic ancestors,† we can allow no more than the oath to have been so derived, for it was an essential condition of the Gothic institution, that the lord or king should perform his own part of the contract, which as we have seen, was no more a legal fiction than the service which it engaged; and if he failed, he lost the homage or allegiance of his vassal. There was nothing derogatory to manhood or fatal to independence in the Saxon form; and that of the Franks under Charles the Bald, of which a copy is extant, of the date 854, was equally honourable. The vassal promises only to be faithful according to his knowledge, and as a Frank by right ought to be to his king.‡ But the Normans introduced into England the slavish or superstitious ceremony of kneeling before the lord, and taking the oath with the lord's hands clasped in his, together with an abject formula,

Frankish Oath.

* Apud Langb. Script. Danic. *t.* II, p. 74. In a note upon Stanza, 17, he says "Dan. *huld* est fidelis, addictus, hinc *hylde* fidelitatem jurare, *hylding*, homagium *huldskab og trotskab*, fidelitas.

† Comm. 1, 366.

‡ "Ego ill. Karolo Hludowici et Judithæ filio ab ista die in ante fidelis ero secundum meum savirum, sicut Francus homo per rectum esse debet suo regi. Si (*sic?*) me deus adjuvet et istæ reliquiæ!"—*Capit. Caroli Calvi* XIV, *c.* 13, published at Attigny, 854.

in which nothing is said of the pre-engagement and the obligations due to the vassal.

Anglo-Norman Oath.

"Ceo oyez vous, *N.* bailife, que jeo, *A.* de ceo jour en avant serray feal et leal a nostre seigneur, *E.* roy d'Angleterre et *a ses heires,* et foy et lealte luy porteray de vie et de membre, et de terrain honour, et que jeo lour mal ne lour damage ne saverai ne orray, que jeo ne le defendray a mon poyer: si moy ayde dieu et ses seynts."*

"This hear, *N.* bailiff, that I, *A.* from this day forth, will be faithful and loyal to our lord, *E.* king of England, and *to his heirs,* and bear faith and loyalty to him with life and limb, and terrene honour, and that I will neither know nor hear ill or damage to him, from which I will not defend him according to my power: so help me God and his saints!"

The Norman oath, as reported by Fleta, contains the pledge not to bear arms against the king, but is totally silent on the mutual obligation, which is the essence of the original feodal allegiance.†

The Gothic allegiance was reasonable and compatible with perfect freedom; it was merely the reciprocation of duties between the lord and vassal; it did not bind the latter to the feodal superior under all circumstances, nor could there be the least thought of the continuance of the engagement to the heirs of the chief after his death; for all offices of trust or command were elective.‡ These slavish and debasing principles were introduced into the Norman oath of fealty, which consequently subverted and abolished the main feature of the Gothic doctrine of allegiance. It is on Norman principles, and not Gothic, as Judge Blackstone imagines, that the modern doctrine of allegiance is founded.

* From Sir M. Hale, as quoted by Lord Lyttleton, *Hist. v.* IV, *p.* 30.

† "Hoc auditis, circumstantes, quod fidem regi portabo de vita et membris, et terrene honore, et arma contra eum non portabo: sic me deus, &c."—*Fleta, l.* III, *c.* 16, *s.* 22.

‡ Tacit. de Mor. Ger. c. 7.

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The latter is immortal, although the prince were to fail in every duty to the subject, and to become a monster of inhumanity and perfidy, for, says the law, "it cannot be devested without the concurrent act of that prince to whom it was first due." This doctrine may be very convenient and agreeable to modern constitutions, but to ascribe it to the founders of the feodal system in Europe, who acted upon the opposite principle, is a remarkable error in that very learned and elegant writer.

Oath-Swords.

There is another circumstance that ought to be mentioned, although it might be inferred from the custom of other Germanic tribes, that the Saxons before their conversion to christianity, swore the oath of feality upon their swords:—

Thonne bioth abrocene	Then will be broken
ath sweord eorla.	the oath swords of warriors.

Beow. l. 4121.

Wapentake

From the term *wapentachium* in our old laws, and *wapentake* instead of the *Hundred* in several northern counties, we may infer that the people of the hundred acknowledged their allegiance to its chief, by touching his weapon with their own, and, it may have been, swearing their fealty, like the Bernese, upon swords or spears held crosswise: the word itself (wapna tac), the touching of weapons, implies as much. Under the very same name this custom, which appears to be truly Oriental in origin, existed among the Scandinavians: "Arni," says the historian, "ordered his people to perform the Wapnatak to this end, that they should adjudge by their laws Jarl Sigurd and his followers to be enemies."* Spelman's account of the wapentake among the Anglo-Saxons is, that all the males of the division came to the place where the centener or hundred-man had erected his spear, to touch it with theirs, as an ac-

* "Arni beiddi at men skuldo gera wapnatak at thui, at dæma med lagum Sigurd Jarl oc allum flock theirra til fiandans."—*Heims Kringla t.* II. *p.* 414.

knowledgment of his authority. This is an extremely probable conclusion; but he goes on to conjecture that the term was derived "a deditione armorum," from laying down their arms before the lord of the hundred on his assuming the government, and that wapentake denoted his taking the weapons delivered by the inhabitants in token of subjection, "in subjectionis symbolum." Whence, he adds, the whole assembly was called a *wapentake,* because on the first approach of a new lord, the tenants are bound to deliver their weapons in token of homage, "reddere sua arma pro homagio."* The whole ceremony is obviously a relic of the custom of swearing to defend and guard the chief, mentioned by Tacitus,† who might not have learned the mode of taking the oath. The same custom seems to have prevailed among the first Romans, who were an aggregate of numerous tribes or parts of tribes from all quarters: the Gothic, German, and Old Prussian words found in such abundance in Latin, have led some to suppose that they were introduced by tribes from countries far beyond the Alps and Danube; but the Sanskrit structure of the language is sufficient to establish the Oriental origin of the people, and to supersede the necessity of resorting to this hypothesis. Among those early Romans, the spear was the ensign of the chief's authority, and we may believe that like all their transalpine brethren, they swore their oaths of obedience upon this weapon, for we find in ages after the disappearance of the *reges* or chiefs in the government, and when all traces of feodality had long been covered by municipal institutions, there was a traditional memorial of this solemn use of the spear, but, as is often the case with antient customs of which the reason and nature have been forgotten, it was very absurd. The Romans now pretended that their forefathers worshipped spears instead of the immortal Gods,

* Glossar. p. 563.

† See p. 110, n. ‡.

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and that it was in commemoration of this superstition that spears were still added to the images of the Gods.* No doubt, the weapon having been used as the material or corporeal part of the oath, acquired a degree of sanctity, but as an addition to the statue of a deity it merely denoted his governing or presiding power, as it had formerly done that of the regal chief. The traditional worship of the spear seems to have been the custom of the wapentake performed to the patres in their respective centuriæ or hundreds. By another term the ceremony was called a *View of Frank Pledge*,—a court of which Blackstons says "Its original intent was to view the frank pledges, that is, the freemen within the liberty, who, according to the institution of the great Alfred, were all mutually bound for the good behaviour of each other.† More likely it was to view their spears. The term, *View of Frank Pledge*, appears to be very hybrid: *franca*, in Anglo-Saxon, is a spear; *wæpn*, any kind of arms, a weapon; and a "view of frank pledge," a name superseding the original wapentak, seems to mean a view or survey of the *francas*, spears, brought in accordance with the ancient custom, by all who plighted their own obedience and became mutual pledges. As to translating *frank*, by freeman, it is altogether superfluous, for among the Saxons, a bearer of arms and a freeman were the same. When by reason of the number of inhabitants in the hundred it was no longer convenient to take the pledges by *touching* the *francas* or spears, the ceremony of producing them at the place of meeting, which was always performed in the open air, was called a view of the franks-pledgers. By another term the court of frank-pledge is called the court-leet, but apparently with little accuracy; for the court leet, as will be hereafter shewn, was the court of the *leodes*

Frank Pledge.

Court Leet.

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* "Per ea adhuc tempora reges hastas pro diademate nam et ab origine rerum, pro diis immortalibus veteres hastas coluere: ob cujus religionis memoriam, adhuc deorum simulacris hastæ adduntur."—*Justin.* xliii. *c.* 3.

† Comm. IV, 273.

or principal vassals of a *gesidh*, and constituting the court of the *sidhesocn*, whence they were called *sidhesmen*, the original of the present *sidesman*.

Troth, Truage, &c.

8. The *hold* of the Saxons, in time, became a military officer, whose rank, according to his *wergild*, was equal to that of a high *greve*. In Scandinavia, the *hollur vinur*,* when the oath was given to the king, appears to have denoted a personal dignity, and *king's-friend*, in this sense, is found upon a Runic monument, discovered at Hoyby.† Such also were the German *trustes* and *antrustiones*, who bore the same rank as the *amici* of the emperor Tiberius,‡ the latter being obviously a feodal appellation adopted from freeman in a country of slaves. It seems indisputable that *drost*, the old German title of the governor of a *gau*, or territory, who was afterwards called a *go-graff*, is the legitimate parent of the barbarous Latin terms. Wachter, on an unintelligible principle of contraction, supposes *drost* to to have originally been *drottsæt*, the lord's seat; but *drost* and *trost* are only dialectic varieties, expressing the same idea, which is that of truth, firmness, stability. It is observable that *truage*, the cognate of these terms, denoted in old English a tribute in commutation of feodal service, and a token of fealty or acknowledgment of feodal superiority. Thus, Robert of Gloucester says, that Lud, the fabulous king of Britain:—

Antrustio.

Drost.

Gograff.

> "Dude as alle other kynges dude, & ys rygt servage,
> Dude to the hye emperour, & sende hym hys truage,

* The Earl Erling clenches a request to king St. Olaf for some fiefs in his gift, with the formulæ: "Man ec tha gerast thinn madhur oc hollur vinur." I will be thy man and faithful friend.—*Olafs hinns Helga Saga*, c. 78.

† Kunungsvin Holi Thudr reisti kerf disi uftir kunung Gorm. The king's friend, Holi Tudi, engraved these marks (in honor of) king Gorm.—*Ol. Worm. Mon. Dan. p.* 206. The title is frequent in the Sagas, as also is that of *kongsmen*, kingsmen or courtiers, which it appears to denote in the *Volsunga Saga*, c. 35.

‡ Suprà. p. 83.

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And hys lond huld of hym, and dude hym homage,
Laste the hye emperour for his outrage
Come and destruye al hys lond."

and of William I. he says, that he compelled the Welsh to bear him truage:—

Kyng Wyllam adaunted that folc of Walys,
And hem bere hym truage, & byhote hym & hys.*

The Sanskrit *dhru,* to be stedfast, whence *dhriwa,* certain, is equally the root of A.-S. *treow,* fealty, Engl. *true,* the Romance *dru,* loyal, and the O. Germ. *drost, trost,* or Low Lat. *trustis, antrustio. Truth,* therefore, is not exactly "what a man troweth," as Horne Tooke derives it, but what is fixed, established and certain. The Latin writers called a league or compact "firmitas," as the term of nearest import to the Frankish *draw* or *drow;* and with them "firmitatem facere" was the expression for engaging fealty before "fidem dare" was supposed to convey the meaning.† In Anglo-Saxon, "treow sculan," to owe fealty, occurs in a gnomic poem, which is extant in a MS. of the eleventh century:—

"Treow sceal on eorle."‡ Truage is a duty in an earl.

In the *Roman de Florimond,* quoted by Du Cange, "Bon ami et dru," is literally good friend and true; and elsewhere we have,—

"Le roy apela ses drus."
The king summoned his true men.

In like manner *druerie,* in the same language, corresponds in etymology and import with feodal truth, *trowage* and *truage.* Never was a knight in Britain, says Wace, of whatever condition he might be, who could ever be allowed his *druerie,* or kind lady for his mistress, if he had not been thrice proven in chivalry:—

* Chron. p. 46 and p. 372.
† Capit. Car. Calvi, xxxiv, c. 1, Anno 857.
‡ Cott. MS. Tiberius, B. I. fo. 113.

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Drucrie.

"Ja nul chevalier ni eust,
De que quel parage il fust,
Ja peust avoir druerie,
Ne corteise dame a amiee,
Se il neust trois fois este
De chevalerie prove.*

This truth or truage was what is now termed *allegiance*, but unlike the latter, it was a bond which might be severed by the failure of the sovereign to observe its covenants. So far from the present doctrine having a claim to a foundation upon Gothic constitutions, it does not seem to have been universally acknowledged even in the fifteenth century: "I was *true man* to kyng Henry the iiij," said a bishop of Winchester, "all the time that he was my soveraigne lorde, and reigned upon me;"† clearly implying that he was true no longer than the king had power to compel his allegiance. And the feodal law itself is so explicit upon the subject, that it not only contemplates a felony by the lord against his vassal, but awards exactly the same penalty, the loss of the property of the fee, as for a felony committed by a vassal against his lord;‡ thus fully confirming the explanation of felony given above, that it was constructively a state of war, in which *fellon* was an enemy.

Trueman.

Army leader.

9. All the males, and often the women, in a German community, were warriors, if able to bear arms, and hence the word *harjis* in Gothic, signifies a legion, a multitude, a host. In O. Germ. *heri* is an army, and in Anglo-Saxon, *here* is both an army of warriors and a troop of robbers. The reason is found in the etymology. The Sanskrit *hara*, war, is formed from the verbal root HRI, infinitive, *harttum*, to take by force, to rob, to ravish.§ *Hara*, which is also the

* Brut d'Angleterre, in Ellis' Specimens, vol. 1, p. 51.

† The iiij Yere of Kyng Henry the vj, fo. 29.

‡ "Si dominus commisit feloniam, per quam vasallus amitteret feudum, si eam commiseret in dominum, feudi proprietatem etiam dominus perdere debet."—*Feud. l.* II, *t.* 26, 47. *Blackstone*, IV, 96.

§ So the grammatical example "Jihartti para narim dushtah," the wicked man forces the wife of another.

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etymon of war, *guerre*, &c. is the original of the Gothic, German and Norse terms for an army, which also denoted a multitude. In Norse, according to Snorro, one hundred men were sufficient to constitute a *her*, or army; but fewer were required for the Anglo-Saxon *here*. Compounded with other words, this term produced in the different dialects, various military titles or designations; as *herkongr*, O. Norse, an army king; *hertug*, *hertogi*, Alamannic; *herizoho*, Frankish; *hertug*, Belgic; and *heretoga*, A.-Sax. an army leader, army duke, which the Romans, when they promoted their imperator to the supreme command of the state, imitated or translated *dux belli*, and *exercitus dux*. Wherever the *her* halted on its march, the place was the *heristall*.* Upon the highest ground on this spot, the chief pitched his tent, which on that account was called the *hereberg*.† Fixing his shield upon a bough of the nearest tree, he summoned his attendant knights, by striking it with his sword or spear, whenever he required their attendance at council, to serve forth their stipendiary rations, or to invite them to banquet with him. This usage continued to the thirteenth century, when Gunther described it as antient, but it was then accompanied by observances which are erroneously supposed to be of more recent origin

Heretoga.

Exercitus Dux.

Hereberg.

War shield.

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* The *heristall* was the ground occupied by the whole army, and therefore enclosed the *hereberg*. Two places are so named from encampments of Charlemagne in 795, 797, and 798.

" Nomen Heristalli dederat cui barbara lingua."

Poet. Sax. de Vita C. M. c. 5.

Eigenhard, under the year 798, says: "Novembrio mense mediante, ad hybernandum cum exercitu Saxoniam intravit, positisque castris apud Visoram fluvium, *locum castrorum* Heristalli vocari jussit." (in *Vita C. M.)* Another Chronicler assigns the reason of the name, that the soldiers constructed their tents upon the spot: " Rex Karolus—fecit sedem juxta locum, ubi Temella fluit in Wisaraha, quem etiam Heristelli appellavit, eo quod ex exercitu suo fuerant constructæ ipsæ mansiones, ubi habitabant."—*Chron. Moissiacens. An.* 797.

† *Herbergeria* occurs in the houschold ordinances of Henry II.—Tit. *Mariscallus*, in Hearne's Liber Niger Scaccar.

than the time of Conrad the Salic, but which have all the appearance of being Asiatic :—

> "Pone castra solet; ligno suspenditur alte
> Erecto clypeus: tunc præco regius omnes
> Convocat a dominis feudalia jura tenentes
> Excubias prima regi celebrare fideles
> Nocte, vetustorum debent ex more parentum.
> At quicunque domi, domino nolente, relictus
> Defuerit, feudo privari curia censet."*

In the distant age which gave birth to the appellation of *herberg*, the defaulter lost only his dinner as the penalty of his absence; but his food in Gunther's time had become a substantial feod or fief. The memory of this *herberg* was preserved in several ways. It continued to the ninth century to be the name of a royal palace in Norway, where, from the reason assigned that there were then no halls erected in that kingdom,† it appears to have been a building of wood. It became the name of a lodging or place of entertainment, and a term of the feodal law, *hereberga*, *arbergaria*, *alberga*, to denote a right reserved by the lord, to repose in the house, and feast at the expense of his vassal, thus reversing the terms of the original institution. From this circumstance, *herbergerie*, in the English of Robert of Brunne, signified a habitation, and *harbour*, in the present day, a place of reception;‡ while the *auberge* of the French, is a house of entertainment.

Arberge. *Alberge.*

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* Ligurin. *l.* II. ap. Reuber, Script. Rerum Germ. p. 301.

† 'Fer thesse ringur vida umm herbergi thar er menn drucku i, thvi tha varo ei hallir smidadar i thann tima i Noregi.' The king Olaf Tryggvason carried this ring all round the berberg, where the company were drinking, for there were no halls built at that time in Norway.—*Norna Gests Saga*, c. 2. This strongly supports the opinion of those who connect *haull*, (f. gend.) a hall, a palace, with *hallr*, (n. g.) a stone; as if hall were any building of stone. Nevertheless, the permutations of the sibilant and aspirate through different dialects are too well established to admit of doubt; and as the Sanskrit *sala* is a hall, it may be presumed to be the original of hall, as well as of the Germ. *saal*, Fr. *salon*, and English *soller*.

‡ More curtaysli and more honowr
Fand he with tham in that towr,

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The Anglo-Saxons had a custom directly deduced from the dinner shield at the herberg of their nomadic ancestors. By the laws of the Mercians, enacted to regulate the ranks of society, it was absolutely required of a *ceorl* or farmer, that before he could be admitted to the rights of a thane, he should possess a certain quantity of land, a church, a kitchen, and a bell-house.* The reason of these requisitions is very apparent. The quality of the person was estimated by the number of his tenants, labourers and serfs. The wages of the two last were paid, as of yore, in board and lodging, and being numerous and occasionally dispersed over a large tract of land, the aspirant to thaneship was obliged to provide a bell to summon them to the kitchen or herbergerie. We have the representative of the shield and the Saxon bell-house, in the "tinel du roy," mentioned in the statute of Richard II. which prescribes the limits of the court held by the steward and marshall of the household, to be within the sound of the king's tinkler or palace bell. And such a thing as a dinner bell may be seen on any old or new manor house throughout the country.

Bellhouse.

Tinel du Roy.

Land substituted for food in payment of military service.

10. It was food, which serf and warrior alike received in requital of service, but it was not universally denominated food by the Gothic or German tribes. To this circumstance it is partly owing, that no name of feodal land is found in any of the dialects derived from *faudeins, föde,* &c.; but they are greatly mistaken, who therefore argue, with Sir Francis Palgrave, that the Latin *feodum* is not a Gothic or Germanic derivative. The Anglo-Saxons called food, *met,* and though between *met* and meat or food there is a radical difference, yet the term *knight's met-home,* before noticed

And mare comforth bi mony falde
Than Colgrevance had him of talde.
That night was he *herbered* thar
So well was he never are.
Sir Ywain.

* Ll. Merr. c. 2.

as strictly equivalent to knight's feod or fee, is correctly appropriated to lands held in lieu of the original rations of food for services performed or to be performed. Food is that which feeds and fattens, while meat is the Sanskrit *meda*, the serum or juice of flesh, and is taken for the flesh itself. Beyond the Baltic, a different idea was formed of the remunerating diet supplied by the chief to his retainers: it was his gift or donation, and was named in orthographical variety, *veitsla*, *veizla*, and *veisla*, from the verb *veita*, to give, offer as a gift. The passages are innumerable in which this *veit-sla* occurs as a feast, banquet, or entertainment; but like the Saxon *met*, in *met-hom*, it acquired a peculiar meaning, as soon as the chiefs began to make conditional grants of land in lieu of their primitive pay in board and lodging. Now in Rajasthan, a fief is still denominated a *putta*,* and the holder of it, a *puttawut*,† which appears to be formed from the Sanskrit *pati*, a lord, as already mentioned. Apparently too, the verb *veita*, and its derivative *veit-sla*, are connected with this *putta*, which would account for the peculiar meaning of these words in their feodal application.

The veisluman or vassal.

11. The obligation of a baron to his king, and the gifts bestowed upon him by the latter, are stated in Frithiof the Daring. Thorstein, says the writer of this ancient Saga, had the third part of the kingdom for his government, for which he rendered the greatest military aids to the king, and at great cost gave him an entertainment every third year; but the king entertained Thorstein every other year.‡ At these *veit*-slor or feasts, rent was paid (in

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* Suprà, p. 72.

† "Every *puttawut* holding a separate *putta* from the presence, shall perform separate service. They shall not unite or serve under the greater puttawuts: and the sub vassals of all such chiefs shall remain with and serve their immediate puttawut."—*Col. Tod's Rajasthan, v.* I. *app.* xx. *art.* 7.

‡ Sagann af Fridthiofe Frækna, c. 1.

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kind) and homage performed, after which presents were made to the *veit-slu-men* or vassals,* who correspond to the *puttawuts* of central Asia. In Hervor, king Haufud, celebrated for his wisdom, cautions his son never to foster children for a man of higher rank than himself, nor of his own accord to accept his *veisla*;† the reason of which appears to be, that by so doing he would tacitly acknowledge himself to be a *veisluman* or vassal. Here, however, the word denotes only a feast or a gift, but it presently appears to be a feod or fief, as in the case of baron Thorstein.

The len, and lehn, a fief.

12. While the food, meat or *veisla*, consisted in edibles, and the rewards of bravery were of a more durable nature, as horses, swords, bracelets, which could be transferred, those terms answered the purposes to which they were applied, but when land was substituted, the grantee was bound by a particular tenure to the state or the chief, making it revertible on failure of the conditions of the sworn *manskap* or homage, and they became inadequate to express the want, which was now experienced, of a term to convey an idea of the revertible nature of the grant. Such a term was at length found in the old Norse *læn* and *len*, German *lehn*, which are all etymologically connected with the English *loan*; they are related words, derived in each language from a verb denoting *to lend*. Hence arose a term, having, in fact, the same import as *veisluman* or vassal; and in the north, one who held a *len* or fief of land was called *lenadr madr*, and *lendir madr*, both meaning a man possessed of a loan, *lenadr* and *lendir* being participial formations of *len*. Such as bore this title were equal to the English baron, at least

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* 'Eptir veitslune för hvór heim med giöfum.' After the veisla every one went home with his gifts.—*Sturlaugs Saga*, c. 8, *p*. 18.

† At hann fostri alldrej sier gofugra manni barn, eda thiggia giarnan hans veitslu.—*Hervarar Saga*, c. 7. *fo*. 8. *Addit. MSS*. 11,108.

when this was the style of every lord of a manor.* And this is also the sense of the Saxon *thegn* or nobleman, for which William I. substituted the Norman *baron*. The former is derived from *thigan*, to take, receive, as the Old Norse *thegn* and *degn*, a subject, under the same idea of receiving maintenance from a chief, is derived from *thiggia*, the cognate of *thigan*. This ancient title may be in reality the same as the present (grasya) t'hacoor, or feodal lord of Rajasthan,† a title which means the consumer of a mouthful, if the Sanskrit *dhakk*, to destroy, consume, be the root. The common notion that *thegn* is derived from *thegenian*, to serve, proceeds from an imperfect knowledge of the internal construction of the language; for *thegenian* is to act like a *thegn*, and so to serve, if the *thegn* serve, as *reafian* is to act the robber, and as in Gothic *smithjan*, Icelandic *smithia*, is to act the smith or smiter. In Beowulf, *thegn* is conjoined with *aldor;* and *aldorthegn* is a chief of *thegns*. Among the Franks, *githigni* were as much as co-partakers.‡

Thegn.

Aldorthegn

13. The new name of the *veisla* produced a corresponding change in the title of the lord paramount, who became the *lanardrottinn*, of which, reserving the explanation of *drottinn*, a lord, it may be noticed that it occurs in Her-

Lords of such lens or loans.

* Snorro's table of comparative titles is curious:—

Enn i einu lande eru mörg land heröd og er thad hättur konga ad setia thar ricttara yffer, svo mörg heröd sem hann geftur til wats (? *valds.*)

"Og heita their *hersar eda lendermenn* i Danske tungu, enn greyfar i Saxlandi, baronar a Eiglandi."—*Snorro's Edda.*

(Oc er hersa i det Danske sprog (sem Edda) adelsmand, i Saxisk sprog en greffve, en Engelsk tuncmaal (*tungemaal*) en Frjherre.)—*Note by Reisenius.*

'And in a country are many territories, and it is a custom of kings to appoint governors over them, to as many divisions as he gives for governments.

'And the governors are called *hersar* or *lendermen* in the Danish tongue, but counts in Saxony, and barons in England.'

(And the hersar is in this Danish speech, according to the Edda, a nobleman, in Saxon speech a count, and in the English language a baron.)

† Suprà p. 36, p. 46. ‡ Suprà, p. 116.

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vavar Saga, a composition of uncertain age, but with the exception of two or three explanatory interpolations and a genealogical appendix, anterior to the introduction of Christianity into Norway. It is also to be observed that this title of northern feodality is employed in connexion with the feodal crime of treachery to a lord, which has been mentioned under the Anglo-Saxon designation of *hlafordswic*.* The first advice of king Haufud to his son, is that he should never assist the vassal who has betrayed his *loan-lord*, or *fee-lord*.†

Bonds, or land owners.

14. From the statements of Cæsar and Tacitus it appears that those Germans whom they had an opportunity of observing, held the land in common, paid little attention to agriculture, and, like the Caucasian and some of the Cossack hordes of the present day, derived their subsistence from pasturage, and their luxuries from pillage. But in Scandinavia from the earliest immigration of these people, whether passing directly from Asia, or propelled by the pressure of subsequent adventurers and forced to relinquish their first settlements, the land was cultivated. There was a necessity for it; they could not rely solely upon spontaneous fertility; and even, notwithstanding their utmost exertions in after ages, they were subject to most horrible famines, to avert which they sacrificed their horses,

* Suprà, p. 106.

† At han hialpi alldrei theim manni, sem suikst hefr lanardrottinn sinn. —*Addit. MS.* 11,108, *c.* 8, *fo.* 8. In the edition of Olaf Verell, which differs considerably from this copy of the most poetical of the Sagas, *drepid*, slain, occurs for *svikst*, thus rendering the advice somewhat superfluous. King Head's intention is to impress upon his son the doctrine that he who is so unnatural as to betray his benefactor to whom he has sworn fealty, is worthy neither of trust nor assistance. To desert a lord in battle or danger, was the highest offence in the time of Tacitus, and long before. In the sequel, Heidrek, meeting some men (soldiers) with a captive, redeems him, on which the latter desires to be taken into his retinue. "No," said the prince, "how shalt thou be true to me, a stranger, when thou betrayedst thy lanardrottinn from whom thou receivedst so many benefits? Get thee hence."—*c.* 9, *fo.* 8 *b.*

their fellow men, and as a final resource, their chiefs.* Wherever the soil is cultivated from sterility to productiveness, the tiller naturally acquires a right of possession, in favour of which, under circumstances like these, the community will readily relinquish their own prior claims from motives of policy, if not of necessity. To the warriors of the north, who for centuries prowled over the seas and infested every approachable coast of Europe in quest of plunder, it was easier to purchase than to raise the necessaries of life. The occupant of the fields gained by his industry from nature, was the *bonde,* whose appellation, etymologically connected with the Persic *bund* and Latin *fundus,* an estate, was employed to denote at once a proprietor and cultivator of land.† As the demand for the produce of his skill and industry increased, the bonde enlarged his sphere of action, purchased more serfs, and employed more labourers. These he maintained in the same manner as the war-nobles supported their retainers, in board and lodging. When his assistants became more numerous, he substituted allotments of ground as their alimony, and an allotment of this kind was a *veisla;* the customary wages in food became land for the use of which personal services were required. Here also arose two descriptions of territorial occupancy; the land, exempt from all conditional tenure, and the land held by services, which in process of time, were commuted by rent. The former considered merely as cultivated ground, was called *bund,* a farm or estate, and the proprietor in very early times was a person of considerable importance, and though not ranking with the nobility, it was no disparagement to be connected

Bonde.

* Ynglinga Saga, c. 18. Hervarar S. c. 11, &c.

† Plausibly derived from the Goth. *bauan, gabauan,* O. N. *bua,* to till; *buan,* A. S. to inhabit; but the Sanskrit *bhundatum,* to support, maintain, shows *bonde* and *fundus* to be connected with the same ideas as those already noticed in other appellations of early times.

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Hus-band. with his family by marriage.* In time however, the *Bonde*, as he was called, declined from his high estate, and the appellation denoted a mere farmer, the *hus-band* or master of a household. But the cultivated land, considered in the light of absolute property, was everywhere designated by an expressive name, etymologically connected with the Gothic, *atta*, a father; which taking its origin in the Sanskrit root *ad*, to eat, denotes the provider of edibles; and thus *öthli* in Old Norse, or *ethel* in Anglo Saxon, like the *patria*, in a limited sense, was a *paternal inheritance*. By a process common to all the Indo-European languages, the noun was changed to an adjective, by adding the termination *all*, *ödhall*, paternal; and hence *ödaljord*, and *ödalland*, in the more recent Norse, is heritable land:—

Thann bad hann eignatz	Rig bad him to own
ódal völlu	heritable plains
ódal völlu	heritable fields
oe alldnar bygdir.†	and ancient vills.

Derivations of allodium. 15. The attempt of Ihre and others of the old school of etymology, to deduce allodium from this *odal* or rather

* The nobility of the north were comprehended in the general term *tignarmen*, men of title, from *tign* (=*dign*-itas, Latin) honor, glory, rank, title; and all others were *otignarmenn*, undignified men. The former were courtiers enjoying offices with fiefs annexed to them, and are ascertained to have been superior to the *bonds* by the words of the princess Ragnhilda, who, in rejecting the proposals of Haco Ivar, said that as she was descended from an illustrious race, she would never marry one who was not a *tignarman*. *(Heims Kringla, t.* II. *p.* 112.*)* But in the History of the king St. Olaf, it is said of the father of Sigrida Storrada, queen of Sweden, who was in the number of the *bonds*, that he was the equal of princes, though he had not their title. Of Torgny, a judge in Triundia, it is stated that though he exercised great authority, and by his numerous retinue and magnificence, excited the king's admiration, he was only a *bond*. *(Olafs Skotkonungs Saga, pp.* 478, 482.*)* At last the *bonde* was put in opposition to servingman in the ancient Laws of Westmannia. "Hwat han ær hælder bonde æller thianista man, lænsman, riddare æller swen." Whether he be a bond or servant, a baron, knight or esquire.—*Westm. L. Thing. B. c.* 19. *ap. Ihre.*

† Rigs Mal, St. 38.

ödal and the adjective *all,* is necessarily a failure;* alimony and not patrimony being the essential idea of allodium, more anciently and more correctly written *alod,* with and without the Latin termination.

Allodial Land.

With these considerations premised, there is less difficulty in apprehending the full force of the passages in the Sagas which refer to the state of patrimonial and feudal property in Scandinavia. The allodial land originally granted to a chief for his maintenance, or by him to his follower without any condition of tenure annexed, was the same wherever it existed, and calls for no further observation. A few instances to shew the use of the primitive terms *veisla,* the land given in lieu of the original ration of food instead of pay,† and *len,* the land given on condition of services to be rendered, on failure of which the land re-

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* Ihre in his examples of the word fails to produce *all* preceding *odal,* excepting in the phrase in the Icelandic law, *ad alldödle,* which he says denotes perpetuity of possession. It does so, but not exactly in the way he means, and according to his own quotation: "Ad Simon skylde vera thera hofdinge og hædste kænnemadur ad alldödle:"—that Simon should be their captain and high priest *for all his family;* that is, the office should descend to his children. (I. *Macch.* 14.) Here *ödli* occurs in its first sense of family on the father's side; its second is patrimony, and third and most general is native country, fatherland. With *atta,* Gothic, a father, is connected the German *adal,* nobility or noble extraction; A.-Sax. *ædhelo,* Frankish *adal,* the same; Alamannic *edil,* kin, family; and Norse *edli,* lineage:—

Nu mun seigia	Now will I tell,
sonur Hamundar	O sons of Hamund,
hvort edli var	what the extraction was
ockart brædra.	of us brethren.

Sagan af Halfe k. c.

The following passage seems to have been overlooked by Ihre: "Haralldur kongur let Orkneyinga sverja sier *aull otholl* sin." King Harold caused the Orkneyines to swear all their paternal estates to himself.—*HeimsKringla,* *t.* I. *p.* 531. Here is the conjunction of the words in the position to support his etymon.

† When the Romans in the time of their kings, still retained the feodal system, a circumstance occurred similar to what is noticed of *veisla,* a feast, from *veita,* to bestow upon. As *veisla* was first *food,* then *stipend,* then *land,* and lastly the *rent of land;* so in Latin, *vesci,* to feed, produced

verted to the lord, will suffice. In the life of king Olaf it is recorded that Jarl Harek had the whole government of Haland, partly as a fief, and partly as alimony.* The former is called a *læn,* which answers to fief or feud, and for which he rendered homage and service; but the latter is the *veisla,* with the service commuted to a stated rent, at first paid in produce, and afterwards in money.† Some of the petty or provincial kings of Norway, before the reign of Harold the Fair-haired, gave a third part of their realm to a nobleman for his aid in men and person in defence of the whole. Harold, on subduing those little monarchs, retained such as rendered him homage, in their ancient governments, but changed their title to Jarl. As a general rule, the conqueror ordained that all paternal estates, *("otholl öll,")* should be vested in himself, and that all the inhabitants occupying land, *("alla buendur,")* should pay him a land tax. Over every province he appointed a jarl to administer public law and justice, and to collect the revenues arising from mulcts, forfeitures and taxes. Every jarl was to have the third part of the rents and taxes for his table and costs, that is, for his sustentation. This allowance was the same as the third penny to the earl of an English shire. Each of these jarls was required to have under him four or more barons, of whom each was to have twenty marks for his *veisla* or sustentation. Every jarl was to provide sixty soldiers for the king's service, and every baron, the companion or adviser and assessor of the

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victus, what was fed upon; then the rent of the land on which the *victus* grew, was *vectigal,* probably because it was a portion of the fruit or other produce; and lastly *vectigal* became the name of tribute and revenue.

* "Harekr hafdi alla syslu a Halogalandi, suma i læn, en suma at veitzlu."—*Olafs Saga, c.* 125.

† "*Wædsla,* census, tributum; a verbo *veita,* præstare, exhibere Sæpius occurrit in Annalibus S. Olai." "Vasallus ita dictus a *vaisla,* i. e. redditibus et fructibus prædii aut feudi, ut est in *Hirdskra* (the ancient collection of Norwegian Court Laws), et inde *Waislumen* vasalli dicti sunt."—*Loccen. Lexic. Juris Sueio-Goth. Holm.* 1674.

jarl, was in like manner, to furnish twenty men. So greatly had Harold augmented his revenues, that, as Snorro observes, each jarl enjoyed a larger income than the former kings. And when this was known at Drontheim, many powerful nobles resorted to king Harold and became his *men*, that is, his vassals.*

In a subsequent reign, two brothers Thorgot and Argot came into Veradel, in Norway, with a small retinue, from the king of Sweden, in whose name they required the inhabitants to pay tribute and taxes. The people in a Thing or public meeting, agreed to do so, provided their own king did not require the same payment. The ambassadors then proceeded to the king St. Olaf, who on becoming acquainted with this transaction, observed, that 'while the country was governed by jarls, it was not extraordinary that the people should render aid and obedience to those who were their rulers by right of birth, rather than submit to foreign kings.' To this Argot replied, 'If you are resolved to hold your kingdom, I advise you to meet our king and become his man, on which we will intercede with him to grant you the kingdom to be held as a feod.' St. Olaf not only refused, but ordered the ambassadors to be hanged at Drontheim.†

King Harold the Fair-haired caused the inhabitants of the Orkneys to swear all their paternal inheritances to him, and when the jarl of the Orkneys was reconciled to him,

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* "Tha soktu til Haralds kongs marger rikis menn oc giorthiz hanns mann." — *Haralds ens Harfagra Saga*, c. 6, *tit.* "Landsrettur Haralds kongs." In feodal Latin the phrase "gioraz hanns mann," to become his man, was *homo devenire*, or *fidelis homo devenire*, in the ninth century. "Ut nullus infidelium nostrorum, qui liberi homines sunt, in nostro regno immorari vel proprietatem habere permittatur, nisi fidelitatem nobis promiserit et noster aut nostris fidelis homo deveniat."—*Capit. Caroli Calvi*, xxxvi, c. 4, *An.* 865.

† "Oc geraz hans madr," and become his vassal. "At hann fai ther at láni thetta riki," that he may give you this kingdom in loan or feud.—*Sagan af Olafi hinom Helga*, c. 57.

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the latter becoming Harold's vassal, received his lands in fee, but was not to pay tribute for them, because the seas were infested with pirates.*

16. Patrimonial inheritance is illustrated by the following account of the ancient government of the Shetland Islands: "The most ancient government of Zetland, while subject to the kings of Norway and Denmark, was by a governor called the *Fowd of Zetland*, who was judge in all causes civil and criminal. Under him was a judge of every parish called the Fowd of the parish, who only was judge in small matters, and referred others to the grand Fowd, and sent the malefactor to him to be tried. The Fowd of Zetland was also the chamberlain, and collected the crown rent, which was at that time only called *scatt*, payable in butter, fish oil, and a very coarse sort of cloth called the wad-null; the arable ground being all at first the property of the immediate possessors thereof, which went to their successors by a *verbal title* called *Udell succession*, whereby all the children, male and female, succeed equally to the father in his estate heritable and moveable. Thus Zetland continued to be under Danish government until the year 1470."†

Fowd of Jutland.

Udell Succession.

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* "Harralldur kongur let Orkneyinga sverja sier aull otholl sinn; eptir that sættunst their kongur oc jarl; oc jarl giordist hans *madhur*, oc toc *laund i læn* af Kongi; oc skylldi eigi giallda skatta af thui at thar var herskatt miöc."—*Olafs Saga*, c. 99.

† Gough's Camden, *v.* III, p. 736. This title has already been mentioned (*c.* II, 1.), as an obvious cognate of *fads, fæder, father*, &c., which Professor Jäkel refers to the verb *fedan*, to feed. Anciently it was written *faad*, then *faud*, and, as in the Northern and Gothic languages, Au=o, and indifferently for each other, we find *faud* in old Scottish *fowd;* in Swedish *fogde*, anciently *fogat, fogati, fougte*, Germ. *vogt*, and *vogd*, all denoting the governor of a country, city, or castle. On the coast of Lancashire there are the ruins of a castle, called the *Pile* or *Peel of Fowdrie*, i. e. the castle of the government of the Fowd, thus proving that a *faad* was at one time or other the governor. The following extracts shew its existence in Scottish Acts of Parliament.

"Givand—to the said Lord Robert Stewart and his foirsaidis heretabill

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Power of the Aldoras

17. The degree and measure of power possessed by the aldoras, whether exercising supreme authority under that title, or invested with rude ensigns of royalty, is not exactly connected with the subjects of these investigations. Yet to omit all notice of it would seem to leave the whole incomplete. Several learned writers, among whom Grotius is not the least, are of opinion, that their power was so limited, that such as were kings, were so only in name. Tacitus himself says, that the Germans were not commanded, were not governed, but acted at their entire pleasure and discretion.* This declaration, of one who had observed their manners and studied their polity, seems to be corroborated by the etymology of their title, and the bond of union between the chiefs and their followers, of which a faint memory is preserved in the position of theoretical writers on the English constitution, that the allegiance of the subject is due to the king in return for his protection.

On the other hand, there are writers who, appearing to look with a jealous eye upon popular liberty, represent the government of the Germanic nations in a manner altogether incompatible with the probabilities, derived from the import of their titles of authority, the conditions of the feodal contract, which as we have seen, was a real compact and not a creature of logical inference, and with the broad fact that the subjects and chiefs deliberated together upon all questions with arms in their hands. Wherever that is the case there is danger of popular licentiousness, but none

justices and schereffis and fowdis foirsaidis, full power speciall mandement and charge."—*Acts, Ja.* 6, 1581.

"Approves—the dispositioun maid be umquhile Patrick erle of Orknay of the lands of Fluagarth, &c., within the said countrie and fawdrie of Zetland, and schirefdome of Orknay."—*Acts Cha.* I.

In the Zetland Islands there were ten fowds under the chief, and their jurisdiction was called *sucken=socn*, A.-Saxon, the liberty or privilege of trying causes.

* Hist. IV.

of an excess of power in the person of the chief. Sir Francis Palgrave, however, to whose opinion, on subjects of this kind, great respect is paid, maintains that the influence of the chiefs must always have guided the decisions of the people in those armed parliaments.

The maxims that the king can do no wrong, and that he is amenable to no controul, are certainly not founded upon the Germanic constitutions, nor yet upon the feodal law, which contemplated the possibility of felony in a lord against a vassal. They are of modern invention, and seem to have been drawn from suggestions of the Roman Law, which was favourable to despotism. As they are attended by no practical inconvenience, they ought not to be disturbed for want of the foundation ascribed to them. What the Germans themselves thought of the matter we learn from Ammianus Marcellinus, who reports that the Burgundians punished their *hendinos** or kings, by deposition, not only for the faults which they committed, but for reverses over which man has no sort of command; and he compares this practice to a custom of the Egyptians. Nor need it be mentioned, that it is still the practice in the barbarous states of Asia and the North of Africa.

Besides this testimony, the historical records of Sweden, such as they are, repeatedly mention the free part which the *Bondar*, or popular portion of the national assemblies took in the discussions. Whenever they were dissatisfied with the king or the nobles, they drew their swords and compelled them to assent to such laws as they required. And when king Ingi refused to restore the ancient laws and constitution, they rose in a body and drove him from the meeting with stones.† Other instances might be cited,

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* See this significant title explained, infrà.

† 'A thyngi nockru, er Sviar attu vid Inga kong, giora their honom tha kosti hvort hann vilie helldhr vid tha fornum lögum halldha, eda lata af kongdömi. Tha mællti Ingi kongr, ok kuadst ej mundhi kasta theirra tru er riettust væri. Tha æptu Svyar ok threingdu han med grioti, ok raku

such as the massacre of king Domaldi;* but reflection upon the nature of the early feodal system, the duties denoted by the titles of their chiefs, and the breach of union between the lord and his follower, equally the consequence of a fault on either side, will render further discussion unnecessary. CHAP. V.

hann af logthyngum.' In the national assembly which the Swedes held with king Ingi, they gave him choice, whether he would rather maintain the ancient laws, or abandon the kingdom. On this king Ingi said, they ought not to cast off their fealty, when it was most just. The Swedes were then enraged, and drove him with stones, and expelled him from the law-meeting.—*Hervarar Saga*, c. 20. This chapter is an addition in 12th century, compiled from History.

* Ynglinga Saga, c. 18.

CHAPTER VI.

That the Anglo-Saxons, in particular, possessed all the chief incidents of the feodal system.

1.—*Munus* and *beneficium* were displaced by the Teutonic term, because they did not convey the same idea; *Felon,* properly *fellon,* an enemy. 2.—Traces of feodality in the Saxon codes numerous. 3.—It was known to the ancient Britons; its origin and the reason of its continuance and universality. 4.—Robbery honourable. 5 *& seqq.*—Particular incidents of feodality in the Saxon codes.

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Saxon system of Feods.

1. Inspection of the Barbarian codes, imposed upon the several Roman provinces, forces conviction of the overwhelming influence of foreign usages and institutions. The presence of the conqueror is everywhere visible, and the laborious nature of the attempt to render the language of the conquered the medium of communication on subjects the most interesting to every inhabitant, foreign or native, is obvious in the necessity of introducing the terms and idioms peculiar to the former. As the conquerors brought with them their own notions of property, they had their own rules for the partition of the provinces which were the rewards of their valour. As the land, which in primitive times was allowed for the maintenance of the chief, and afterwards by consent of the community, or usurped by lawless power, had become transmissible in his family, was denominated among the Germans his *alod,* so that term was deemed the suitable appellation of land, which descended to the children of either sex without the condition of military service. It was a patrimony,* and as such might

* Commonly, but not universally: we find three different kinds of estate

equally have been called by the more northern name of *odal*, but the conquerors were Teutons, with the exception of the Longobards, who, however, had been so long resident among them as to have lost the distinctive characteristics of their Scandinavian origin. All the rest of the subdued territory was held of the state subject to military service, and every tenement must have been called by the conquerors by that name which had long been familiar to them. What that name was cannot be ascertained by direct evidence. We know that the Saxons called a military feod *knight's meat-home*, and it is reasonable to believe that the rest of the Teutons either used the same term or its synonime *föda*, answering to the Scandinavian *veisla*, and *lehn* answering to *læn*. For some time after their settlement, they used the Latin words *beneficium* and *munus*. The latter, which seems to be the etymological correspondent of *län* (by permutation M=L), denoted land held at will; but the former signified land held for life. They did not, therefore, clearly express the ideas suggested by the vernacular terms of the Teutons, but they continued in use for some time after the first appearance, in the ninth century, of the Germanic word *feod-um*, in Latin instruments.* It was a word of general application, as readily understood by all the Germanic nations, and eventually it superseded both *benefice* and *munus*, and stood for both *mete* and *lehn*. By the decree of Charles the Fat, where it first occurs, it

Munus. Benefice.

called by the same name: "Alodes de hereditate, alodes de conquisitu, et alodes de donatione domini imperatoris."—*Capit. Caroli Calvi*, xxx, c. 5, *An.* 860. The term here appears to denote an estate not subject to military service, but which might be inherited or purchased, or be derived from the gift of a prince.

* Feudi porro vocabulum sub Carolo Crasso primo auditum, says Ducange. It is found in the decree on the Roman expedition, about 884, published by Frehere, Goldart, and others: "Cuicunque secundum hanc legem expeditio imperetur, si ad Curiam Gallorum, hoc est, in campum qui Rungalle dicitur, dominum suum non comitetur, et ibi cum militari apparatu non repræsentetur, Feodo, præter hos, qui cum gratia dominorum suorum remanserunt in conspectu nostro, absque spe recuperationis privetur."

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was enacted that such as did not accompany their lords into the field with military trappings, should lose their feud without any prospect of recovery. This fault, it may be observed, and its consequence, was a *felony* in modern orthography; but in all probability, it was originally written in Latin *fellonia,* for "fellones" meant *felons* in the ninth century.* Owing to the strange conceits of legal antiquaries and etymologists,† the meaning of a very plain word has been much obscured, and its orthography, like that of *alod,* has been corrupted, in order to adapt it to a preconceived definition of the thing denominated. As the original alliance of the chief and his follower was a military compact for mutual defence, any act contrary to it placed them in an opposite relation to each other. To break a league was expressed in the Latin of the seventh century by the classical word *rebellare,* but the sense is manifestly taken from this state of opposition. The feodal tenant in a state of rebellion was termed the *fellon* of his lord, and this old Teutonic word has a corresponding verb in every Gothic dialect; in English, to *fell,* meaning to cause to fall.‡ In Latin, the etymological cognate is *bellare,* to fight or make war against, and the sense of *fellon* is contained in the proper name *Bellona,* which is constructed on the same grammatical principle. Of all the words, the root is the Sanskrit BHALL, which the Brahmins explain by *vadhe,* to signify that the idea is contained in the act of striking, causing pain, or killing. He that rebelled, became a *fellon,* and as the compact by which he held his feod was at an end, the feod was said to be forfeited by the vassal's

Felony.

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* "Non tibi sit curæ, rex, quæ tibi referunt fellones atque ignobiles." —*Capit. Caroli Calvi, t.* 23, *c. ult.*

† See Blackstone, Comm. IV, 95.

‡ The Alamannic is *fellen,* Dutch *vellen;* the Norse *fella,* signifies also to kill. The Frankish *fællen* is to condemn. A similar idea at the bottom of these words connects them in sense. Wachter mentions *fel,* an enemy, as likely to have given rise to *felonia,* but thinks that *fello* is connected with *feld,* an assault or invasion.

fellony. Before the word *fellones* was introduced into Latin, the term was *infideles,* meaning only those who had broken their fealty,* and consequently *fellones,* the vernacular word, implied the same.

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Feodality among the Anglo Saxons.

2. It is a very remarkable circumstance in the history of feodality, that although the vestiges of it are more numerous, and more striking in the Laws of the Anglo Saxons, than in any other Germanic code of that age, most of our legal antiquaries and some of our historians, who make no doubt of its existence among the "northern nations," deny that it was known to the German and Danish conquerors of Britain. Had they bestowed a little reflection upon one part of the subject, they would have perceived that for the Saxons to have formed a solitary exception would have been unaccountable and little less than miraculous. Their arguments are deduced from the absence of some particular terms of the feodal law, as it existed in the eleventh century, from the Anglo Saxon codes and legal instruments of donation and foundation, and testaments. They are quite satisfied that William the Conqueror introduced the knowledge and practice of feuds into this country, and the titles of honor which resulted from them;† though, in reality, he did nothing more than import a few Norman customs and engraft them upon the Saxon system,

* So we must understand "nostri infideles et Communes contrarii."—*Capitul. Car. Calvi,* xxxvi, *c.* 1, published in 865.

† "The dignities or titles of honor which now exist in England, derive their origin from the feudal institutions, and were first introduced into this country by the Normans."—*Cruise, Treatise on Dignities,* 1823, *ch.* 1, *s.* 1. This is a book of great authority among lawyers, and in this, its first passage, are two grossly erroneous assertions. The titles of honour, enumerated in the same chapter, are those of baron, earl, duke, marquis and viscount. Of these, baron, earl and duke, existed before the arrival of the Normans, and those of marquis and viscount were created in a subsequent age, after the failure of the Norman line of princes. William attempted, without success, to give currency to the title of count; but to him may be attributed the introduction of the title of countess, which is the only memorial of his baronagium.

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as he found it described in the written laws of the kingdom. And as to the titles of honour, he could not introduce what had existed among the Saxons as well as the Northmen from all ages.

Universality of Feodalism.

3. To put this question on a right footing, it must be observed that the system of feods was not always the same: that is, it was more simple in its early state, than it became previous to its extinction. A feod was land granted by a superior, whether a state or an individual, who required military service in return for it; and it was the substantial and durable substitute of the actual "epulæ pro stipendio" given by the princes of Germany to their soldiers in the time of Tacitus, when money was unknown to them. This mode of feod existed from time immemorial in Asia, was known to the ancient Britons, prevailed all over Scandinavia, and is frequently named in the ancient Icelandic history of the Faroe Islands,* was common among the Scythians,† and is found in the centre of Africa and in the islands of the Pacific Ocean, which until the eighteenth century were utterly unknown to Europeans. More or less, feods must have been granted by every state, that extended its dominion by conquest or peaceable colonization. Its invention required no sagacity. If the first horde of Asiatic wanderers found themselves sole possessors of the plains and forests of Europe, and had no occasion for defensive measures, the feodal system might for a time lie dormant. But it would necessarily be roused from its slumbers by subsequent arrivals. Whenever a horde or tribe, subsisting, as we are informed their descendants did so lately as the reign of Trajan, by pasturage, hunting, and depredations on their neighbours, occupied a pasture or hunting ground, they had portions of territory exposed to incursions,

* 'Halfgrimr var hofdhingi yfir helming eyjanna, ok hielt theim helmingi i len af Haraldi konungi.' Halfgrim was captain of half of the islands, and held that half in fee of king Harold (Grafeld.)—*Færeynga Saga*, c. 4. See also, c. 25 & 34.

† Gibbon, Decline.

and had enemies of the same quality as themselves, incited by love of plunder, and provoked or provoking by aggression. In such a state, though the pasturage or hunting ground was the property of the community, there would be a necessity in the larger tribes at least, for defenders of the borders, who to all intents and purposes of feodality, would hold the guarded territory by military service. If a tribe extended its grounds by conquest, the additional land would, by a still greater necessity, become a military feod, or be divided into several such feods. The practice was in reality, nothing more than an acquiescence of the state in one or more of its members taking possession for the whole, of the booty acquired by arms, and maintaining themselves in it as long as they were able: the first armies were banditti; and the very name of warrior implies a robber in its origin;* and this was the rule of all despoilers, antient and modern:—

> "For why? the good old rule
> Sufficeth them; the simple plan,
> That they should take who have the power,
> And they should keep who can."

In all cases of defending distant or conquered possessions, the party employed was a detachment from the state, and its servant. The service could no longer be paid for by a provision of food and lodging, and the necessary substitute, before the invention of money, was land, or rather the enjoyment of its produce at free will. Under more prosperous circumstances a rent or tribute was exacted. If the servant failed in his duty, the land was either lost to the state, or the state recalling him, punished his negligence, called a *fellony*, and granted the territory to another on the same conditions.

Robbery, antiently honorable.

4. This is the simple origin of the system, and as Pinkerton observes, it prevailed wherever conquest was known.

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* Sanskrit *hara*, war, *hari*, a warrior, from *hri*, to take by force and violence, to ravish, &c. See p. 123.

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As to the other services, conditions of tenure, incidents of the possession, and complicated relations between the superior and his dependent, which were subsequently introduced, they were originally, on the part of the tenant, commutations of the duty of personal appearance in the field, and on the part of the lord, exactions, gradually usurped, for the discharge of his duty of maintaining and protecting his vassal. Mr. Cruise says, very correctly, that where a tract of land was granted by a sovereign prince to one of his followers, to be held immediately of himself, by military or other honorable services, with a jurisdiction, it was called a *feudum nobile*, and conferred nobility on the person to whom it was granted.* He that at any time or from any source, had power to defend the marches, had power to exercise the jurisdiction requisite to maintain his position, which was honorable and noble, because from the earliest ages military robbery by sea and land has been accounted honorable. Piracy continued to be honorable down to the fifteenth century, when king Eric of Pomerania finished a long career as a pirate chief.

Particular incidents of Saxon Feods.

5. The settlement of the mixed people called Anglo-Saxons in Britain was not effected without difficulty. They gained the land only step by step, and were compelled to defend every stage of their progress. If the Longobards imported feodal tenures into Italy, it can hardly be imagined that the northern Goths left them behind, or that the Franks did not carry them into Gaul; and how it can be believed that the Saxons, Frisians, Jutes and Angles, were ignorant of what was known to all the rest of the Indo-European tribes, from their first establishment in this quarter of the world, is altogether inconceivable. But this consideration will have no weight with those who have been taught to trace the origin of feodal institutions to those comparative novelties, the march laws of Alexander Severus

* Treatise on Dignities, ch. 1. s. 1.

and Probus, and therefore, it is necessary for correctly ascertaining the antiquity of our titles of honour, to show by direct and positive evidence, that all the chief incidents of military tenure, its heriots, scutages, wardships, reliefs, homages, escheats and felonies, and marriages at the will of the lord, were in full operation, during the Saxon period of domination in England.*

Heriot and Relief.

6. One of the principal appurtenances of a military tenement was the *relief*, which was a gift from a tenant to his lord upon entering the feod on the death of his ancestor.† The reason of it was that by such death the feod seemed to

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* A princely donation of treasure and heritable estate with the requital by military service, is often mentioned in Beowulf:—

Ic him tha madhmas	I him the treasures
the he me sealde	which he gave to me
geald æt gudhe	repaid in the war,
swa me gifede wæs	with my bright sword
leohtan sweorde	as it was granted to me.
he me land forgeaf	He gave me land
earth ethel wyn.	the joy of paternal inheritance.

L. 4975.

† The Sakasenas brought it from Asia, where it still exists as perfect as ever it was in Europe after the epoch of the Norman conquest of England. Speaking of Rajasthan, Col. Tod says, "The first and most essential mark of a feodal relation exists in all its force and purity here. It is a perpetually recurring mark of the source of the grant and the solemn renewal of the pledge which originally obtained it. In Mewar, it is a virtual and *bona fide* surrender of the fief, and the renewal thereof. It is thus defined in European polity: "a relief is a sum of money due from every one of full age taking a fief by descent." On the demise of a chief, the prince immediately sends a party termed the *zubti* (sequestrator), consisting of a civil officer and a few soldiers, who take possession of the estate in the prince's name. The heir sends his prayer to the court to be installed in the property, offering the proper relief. This paid, the chief is invited to repair to the presence, where he performs homage and makes protestations of service and fealty; he receives a fresh grant, and the inauguration terminates by the prince girding him with a sword in the old forms of chivalry. It is an imposing ceremony performed in a full assembly of the court, and one of the few which has never been relinquished. The fine paid, and the brand buckled to his side, a steed, turban, plume, and dress of honour given to the chief, the investiture is complete."—*Rajasthan, v.* I, *p.* 158.

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revert to the lord, until it were redeemed, or in feodal phrase, relieved by a small gift in token of subjection. This is a summary of the explanations usually given for the relief; but it is not the origin of the custom, in which alone the true reason must be sought. According to Tacitus, he that was admitted a freeman of the nation, received a horse, lance and shield from the state or chief. In the ordinary language of the times, the accoutrements and trappings of a warrior (*wer*, *ber*, *bar*, *vir*, &c.), were called, with some dialectic variations, his *heregeat*, his army or war apparatus:—

Gehyrst thu sæ leoda	Hear thou, mariner,
hwæt this folc segeth	what this people say:
hi willath eow to gafole	They will for tribute
garas syllan	deliver you darts,
ættrynne ord	envenomed points
and ealde swurd	and ancient swords,
tha heregeatu the eow	those *heriots* which in war
æt hilde ne deah.*	will not avail you.

On the death of the warrior, his arms reverted to the chief who had bestowed them, but if his son were of age to assume his father's station, they were delivered to him on the offer of a small gift in commutation of the weapons thus relapsed to the original donor. It was thus that valuable hauberks, and celebrated swords, were transmitted from generation to generation. When land descended in this manner, the *heregeat* or heriot was still claimed by the superior from the new tenant, and it was exacted in proportion to his means, according to the established rule of the law,† which required each man's heriot to be moderate.‡ The valuation of the heriot depended upon the

* Byrhtnoth, *l.* 94.

† If any one die intestate, (says Cnute) be it through neglect, or through sudden death, then let not the lord draw more from the land than his just and lawful heriot. "Thonne ne teo se hlaford na mare on his æhte butan his rihtan heregeate."—*Laws of Cnute*, 72.

‡ And beon tha heregeat swa hit mætlic sy, &c.—*Ib.*

rank of the tenant; the heriot of an earl was eight horses, four helmets, four hauberks, eight lances, eight shields, four swords, and two hundred gold coins. For a king's *thegn*, the heriot was four horses, two swords, four lances, four shields, one helmet or one hauberk, and fifty gold coins. The middle *thegn*, corresponding to the less baron of the Normans, paid a heriot of only one horse, a spear, and neck piece.

7. The law regulating the heriot is entitled "*de Hereotis.*" William the Conqueror adopted it, and that it might be understood by his Norman subjects, translated it into French, literally so far as regards the earl and knight's thane, but making some difference with regard to the middle thane.* This translation he entitled "De Releviis;"† *Relevium.* and, therefore, he has apparently the honor of introducing the word *Relief*, and attaching it to the pre-existing custom and law. The heriot and the relief were therefore, clearly understood by the Normans to be the same thing; but they were not so; for the heriot had assumed the form of a mortuary, and the relief that of a rent or offering for the permission to enter upon an estate. The former seemed to be a repayment from the dying man, and the latter was an actual payment from his successor.‡

8. Escheats were a principal incident of a military tenure. *Escheat*

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* What relates to the Norman *vavasor*, or middle *thegn* of the Saxons, and *baro minor*, or less baron, of a subsequent period, corresponding with the esquire, who is lord of a manor, runs thus: "*De Relief a vavassur a sun lige seinur.* Deit estre quite par le cheval sun pere, tel cum il out le iur sa mort, e par sun haume, e par sun escu, e par sun hauberc, e par sa lance, e par sespee. E sil fust desaparaille quil noust cheval ne armes fuste quite par c sol."

† Ll. Will. I. c. 20, de *Releviis.*

‡ This is evident from the will of Byrhtric, which was made before the time of Cnute. By that instrument he directs to be given to his natural or liege lord *(cyne hlaford)*, eighty pieces of gold, a dagger worth as much, four horses, two swords, and all his hunting dogs. See the Will, in Hearne's *Textus Roffens. p.* 35, and Hickes, *Thes.* III, *Diss. Epist. p.* 52.

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and Felony

Fyrdwite.

This term is Norman French, and less significant of the thing originally intended than the Saxon, which was *fyrdwite*, or warlike-expedition penalty. The word is compounded of *fyrd*, a military expedition, and *wite*, a punishment or fine, and the whole is constantly used to denote the penalty for neglect to serve in the army on summons from the prince. It occurs so remotely as the reign of Ine over the West Saxons, which commenced in 688, when in all probability his laws were sanctioned by the first witenagemot, assembly of law-makers, or parliament. "If," says that prince, in the law concerning the nobleman who neglects the *fyrd*, "If a nobleman, owning land, neglect the military service, he shall pay 120 shillings and suffer in his land: one not owning land shall pay 60 shillings; and a churlish man (of the farming class) 30 shillings, for his *fyrdwite*.* The expression 'suffer in his land' is equivalent to 'forfeit his land,' in which case it would be said by a Norman, to escheat to the lord. Nearly the same penalty for precisely the same offence, which is more particularly described, is found in the Laws of Ethelred: "If any one turn back, without leave, from the fyrd, where the king is in person, his estate shall be endangered."† Now this is the very felony of the feodalists, when they say that if a tenant desert his lord in the field, or fail to deliver him from siege or death, his feod shall be forfeited and escheat to the lord.‡ Some misapprehension of the exact import of the Norman *escheite* (from *eschuer*, to fall out) appears to have led to the use of the word felony, to denominate forfeiture by crime, and this error would be easy of commission from the apparent connection of felony, with *fallen*, to

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* *Be thon the gesidhcund man fyrde forsittc.* Gif gesidhcund mon landagende forsitte fyrde. geselle cxx. scill. and tholie his landes. unlandagende lx. scill. Cerlisc xxx. scill. to fierdwite.—*Laws of Ine*, 51.

† And gif hwa of fyrde butan leafe gewende. the cyning sylf on sy. plihte his are.—*Laws of Ethelred* VI. *Concil. Ænham.* 35.

‡ Spelm. Gloss. p. 215.

fall. Among the Rajpoots, the fiefs which are only to descend in lineal succession, revert to the prince on failure of heirs, and cannot be bequeathed. Forfeiture for crimes occur and are partial or entire according to the delinquency.* The latter agree with what we now term felonies.

Homage.

9. The Anglo Saxons gave the name of *hyldo* to the personal obeisance and duty to a lord which the rest of the German nations called *manskap*, translated literally by the feodalists, *homagium*. *Hyld*-o, fidelity, is the etymological cognate of the Latin *cult*-us, which besides the worship of the Gods, signified service, respect, and attendance; but in the usual acceptation of the word, *hyldo*, was favour or good-will, and *gehyld*, was a protector. As a forensic term it occupied the same station among the Saxons as homage and fealty among the more recent feodalists. The *hyldath* of the former was the *trunadar eidr* of the Northmen, the *drosteid* and *trosteid* of the Germans; and from *hyld* or *hyldo*, fidelity, was formed *gehyld*, a protector,† the superior to whom the *hold* or trusty vassal took the oath of adherence, by which he was bound to honorable service so long as the other rendered him protection. With respect to the service of homage, bishop Nicholson has sufficiently shown that it was performed by the king of the Scots to the king of Northumbria, to Edward, the father, and Edmund, the son of Athelstan; and it must therefore have been performed in like manner by every Saxon lord to his superior, and by every Saxon chief to his lord. It was actually rendered by all the boroughs of England to Edward the Confessor immediately before his coronation,‡

* Col. Tod, Rajasthan, I, p. 160.

† The derivation from *gehealdan* (from *healdan*, to cover, to hold, keep,) to preserve, does not affect what is said of the formation of *gehyld* from *hyld*, for *gehealdan* belongs to the same family in the Indo-European dialects. *Heald* gives both the Saxon *Hold* and English *hold*. The root is Sanskrit CHAL, to cover. See the note upon *manred*, p. 114.

‡ Epistle prefixed to Wilkins, *Leges Anglo-Saxon*. p. 6, 7. He quotes Malmesbury, *f.* 45, "Hominio palam omnibus dato."

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and the form of the oath of fealty is yet extant.* That the Latin word *homagium*, does not appear in our ancient laws before the reign of Henry I. is really a consideration of no weight, since the thing itself existed, and was described by a term, belonging to the language of the country in which most of its laws were written. *Homagium* however, is mentioned in Henry's code, as if it were a duty well known, and essential to be performed.† The English persisted in using their vernacular term down to the time of Henry III., and *holde othes* was the slight change which eight centuries had wrought in the original *hyldathas*, introduced by the Saxon conquerors of Britannia Romana:—

Homagium

Hold Oaths.

> "Wyllam the rede kyng——
> ——sende as quyelyche as he mygte, hys sonde,
> *Holde othes* that men hym suore thoru al Engelonde,
> Vor of his eldore brother he was evere in doute,
> So that men suor hym *holde othes* in to al that londe aboute.‡

Wardship.

10. Wardship took place when a tenant died leaving his heir a minor, on which the estate reverted into the possession of the lord until it was released by the payment of the relief and the performance of homage. This was a custom so peculiarly Gothic that instances are numerous and continual in the ancient literature of the northern nations; and the very laws relating to the feodal guardian and his pupil, are transcripts from the Longobardic code.§ Among the Anglo-Saxons, the duties of the warder to the ward were well understood and regulated by their laws.‖ It is not

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* *Thus man sceal swerigean hyldathas,* (thus are oaths of fealty to be sworn,) is the title of the formularies in *Ancient Laws and Institutions of England, p.* 76.

† Quotcunque dominos, aliquis habeat, vel quantumcumque de aliis teneat, ei magis obnoxius est, et ejus residens esse debet, cujus legius est. Si multis homagium fecerit, &c.—*Cap.* xliii. *s.* 3.

‡ Robert of Gloucester, p. 183.

§ See them in Spelman's Gloss. p. 384 and p. 565.

‖ Laws of Ine, 38. Council of Ænham, 26. Constitutions of Ethelred, 21. "And let no man," says Cnute, "compel either a woman or a maiden to him, whom she herself dislikes."—*Secular Laws,* 75.

until Henry I. reformed the feodal obligations according to the standard of the Saxon institutes, that we find legal notice of wardship. In the first of his laws, he mentions those of Edward the Confessor as amended by his father, and his own intention to continue them in force. Immediately afterwards he promises for himself, and commands his barons, "to make the widow or one of the relations, the guardian of the estate and the children, to restore the feod to the heir on his arrival at maturity, and to marry the heir and bestow the estate conformably to their own pleasure."* Wardship is an incident of feodality in Mewar.†

Scutage.

11. Scutage was the feodal term for the mulct originally incurred by a vassal who neglected the obligation to accompany his lord in military expeditions. The Saxons called it *fyrdwite,* as before mentioned. This personal attendance in war was the first and most immediate act of fealty in the vassal, and the scutage was only the commutation for this necessary service. It was first levied regularly all over the kingdom by Henry II.,‡ but it was as fully ascertained by law as any other fine, before the days of Ine;§ and it prevailed equally among the Danes in the kingdoms of Northumbria and East England, and among the Saxons in the rest of the island. It is not, therefore, remarkable that it is still in full force in Rajasthan.‖

* Si quis baronum meorum, sive aliorum qui de me tenent, &c.—*I. s.* 2.

† It often terminates, as in the European system, in the nefarious act of defrauding the infant in order to confer his estate upon a favorite. See *Col. Tod, p.* 161.

‡ Lord Lyttleton, Hist. Hen. II., Vol. IV, p. 15.

§ Laws of Ine, 51. See Laws of Cnute, 12, 14.

‖ *Escuage* or *Scutage,* the phrase in Europe to denote the amerciament for non attendance, is also known and exemplified in deeds. Failure from disaffection, turbulence, or pride, brought a heavy fine; the sequestration of the whole or part of the estate, both of which I have often witnessed.—*Col. Tod, p.* 148. In *Append.* No. XVI, is a modern deed for enforcing Scutage.

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Miscellaneous duties, &c. of Saxon feodality.

12. In the following laws taken promiscuously from several codes, other obligations of the feodal system are discernible.

a. If any *man, (i. e.* vassal, *suprà p.* 110,) depart from his lord without license, or settle in another shire, he shall go where he was before, and pay to his lord sixty shillings.* This was equivalent to the feodal law by which a feod was forfeited if the tenant refused to perform his due service, or denied his obligation.

Treachery.

b. If a *man* plot against his lord's life, he shall be answerable to him in his life and in all that he hath; or prove himself *true* according to his lord's *were.*† If, says the feodal law of Conrad, the vassal assault his lord, or traitorously assail him with sword or poison; if he become an enemy of his lord, or adhere to his lord's enemies; if he become a traitor to his lord: in each case he is a felon, and his feod is forfeited.

c. And we have ordained respecting plots against the lord: that the *man* shall be liable with his life, if he cannot deny the felony, or shall afterwards be convicted by the threefold ordeal.‡

d. If any one give freedom to his vassal *(mæn)* at the altar, he shall be free of the nation *(folc fry).* The giver of freedom shall have his heritage and weregild, and the protection, or price of it, of his family, whether he be over the march, wherever he may be.§

Private War.

e. We also declare that a *man,* may fight along with his lord, without committing war, if any one attack his lord; thus may a lord fight for his man; but a man may not fight against his lord.‖ A like enactment is found in the feodal laws of private war, by which a vassal, holding feods of divers lords who were at variance, was bound to

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* Laws of Inc, 39.

† Laws of Alfred, 4.

‡ Athelstan, 4.

§ Wihtred, 8.

‖ Alfred, 42.

obey the command of his chief lord to fight for him, saving the service and fealty due to any other lord for the feod which he held of him.* So that, in point of fact, a vassal might be so circumstanced as to be unable to fight for any of his lords, without committing a felony to the others. Bracton states the law of private war to be thus:—If a vassal have tenements under different lords, and dissensions arise among his chief lords, he shall always stand in his own person by him to whom he performed his allegiance, and by his attorney with the others.†

f. Of him who entertains the *man* of another person without license. Let no man receive the *man* of another without the leave of him whom he had previously followed.‡

Court or Household.

g. Every Saxon lord was bound by law to entertain persons in his household, who were termed his *hiredmen*, or *men* of his court, and for whom he was responsible.§ This court may have originated with the feodal court baron, established for the tenants or vassals of the barony.

Feodum, a tenement.

h. In the laws of Edward the Confessor, the word *feoda* occurs as the well known term for tenements;‖ and *domini*, lords, are mentioned in relation to their *homines*, men, precisely as those terms are understood by feodalists to mean feodal lords and their vassals.¶ And that a Saxon military tenure was wanting in nothing essential to constitute a holding, as understood in the utmost rigour of the feodal law, is ascertained by the description of the jurisdiction of Saxon lords in their fiefs, the several branches of which jurisdiction were so well known, and of so long a standing,

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* Glanville, *l.* ix, c. 1. † Bract. *l.* II, c. 35, s. 5.

‡ Laws of Edward the Elder, 10. See also Secular Laws of Cnute, 28.

§ Cnute, 31.

‖ *De libertate eorum qui de* feodis *ecclesie* tenuerint. Quicunque de ecclesia tenuerit, vel in feodo ecclesie manserit, &c.—*c.* 4.

¶ Lege Anglorum sunt were vel precium, et manbote de occisis erga domino; quorum homines interfecti erant.—*cap.* 12.

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as to be denominated customs.* It is said in the thirty-fourth chapter of this code, that William I. acquiesced in its enactments by the advice and at the request of his barons, "consilio et precatu baronum;" and William himself says, in the preface to his own laws, "These are the laws and customs, which king William granted to the people of England after the conquest of the land;† and the very same which king Edward his kinsman maintained before him.‡

Miscellaneous terms.

13. The least that those writers can do, who choose to assert that William I. introduced the feodal system into England, will be to point out exactly what he imported,

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* Descripcio Libertatum diversarum.—Archiepiscopi, Comites, barones, et milites suos, et proprios servientes suos, scilicet dapiferos, pincernas, camerarios, cocos, pistores, sub suo frithborgo habebunt: et ipsi suos armigeros vel alios servientes suos sub suo frithborgo; quod si ipsi forisfacerent et clamor vicinorum insurgent de eis, ipsi haberent eos ad rectum in curia sua, si haberent sacham et socham, tol et theam, et infangennthef.—*cap.* 21.

In the next law these liberties or privileges and jurisdictions are defined. It concludes thus: 'Et illi qui non habent *consuetudines* quas supradiximus, ante justiciam regis faciant rectum eciam in hundredo, vel in wapentachiis, vel in schiris.'—*cap.* 22.

† Conquest, in feodal language, was purchase, as early as the 9th century. Thus Charles the Bald, in his Capitula, An. 860, opposes *alods* by inheritance and conquest to *alods* by imperial grant: 'alodes illorum de hereditate et de conquisitu,—alodes de donatione domini imperatoris.'—*Suprà, p.* 141, *n.*

Conquest, Conquerer.

And 'perquisitor' was the synonyme of 'conquæstor.' "The first purchaser, perquisitor," says Mr. Causton, "is he who first acquired the estate to his family, whether transferred to him by sale, by gift, or by any other method, excepting only that of descent. The feodists frequently stile such a person *conquisitor* or *conquæstor,* and the Norman writers *conquereur. (Grand Coust. c.* 25, *fo.* 40.*)*; which, by the way, was the appellation assumed by William the Norman, to denote that he was the first of his family who ac-

Conqueror and Perquisitor or Purchaser.

quired the crown of England, and from whom, therefore, all future claims by descent must be derived; though afterwards by disuse of the word in a feodal sense, it became associated with the idea of victory, and was supposed to refer to his forcible subjugation of the dethroned Harold's dominions."—*Rights of Heirship, ch.* II. *canon* 3, *p.* 203, 205.

‡ Cez sunt les leis e les custumes que li reis William grantad a[l] [p]ople de Engleterre apres le cunquest de la terre: icelles meimes que li reis [E]dward, sun cusin, tint deuant lui.

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which the Saxons did not possess during the six centuries of their occupation of the country before his arrival. There are some phrases and appellations of men that never became titles of honor, all of which have reference to this particular polity, but scarcely require classification. The term *mandryhten*, for instance, is literally a vassal lord, a lord of the homages:—

Mod ceare mændon	Sad in mind they mourned
mondryhtnes cwealm.*	the slaughter of their liege-lord.

Hall Companions & Palace Counts.

Such vassals, particularly those of a prince, were his hearth companions, his table companions, or his hall companions, all of which are synonimous with the palace counts of the empire, and no doubt existed before the time of Tacitus, who mentions companions only; though his "comites" are rather to be understood of such as were either then or soon afterwards of an order of nobility. Cæsar mentions the followers of Belgic noblemen by the names of *comites* and *familiares*, household companions. In Beowulf, a vassal is denominated a *bord geneat* and a *beod geneat*, the enjoyer, partaker,† or companion of the lord at table, so that these terms are nearly the same as *veisluman*:—

We synt Hygelaces	We are Hygelac's

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* Beowulf, l. 6292.

† A.-Sax. *geneat*, Frank and Alam. *ginoz* and *genæz*, N. Germ. *genoss*, a companion, are formed with the collective prefix *ge*, *gi*=*ga* Gothic, and *nyt* A.-S., *notz* and *nutz* Germ., utility, from the verbs *neotan*, *nutzen*, to use or enjoy a thing. A.-S. *genyttan*, to enjoy an office. In O. Sw. *note*, Icelandic *naute*, a companion; and *niute*, to enjoy, is the same verb as *nutzen* and *neotan*. Ihre quotes the Rhythmic Chronicle, p. 79, to show the title of knights companions:

Tha war i hertug Erikes rota
Bade riddare och riddarenotta.

There were in duke Eric's train,
both knights and knight-companions.

He considers them to be the same as the *ridherlikæ*, who appear in the letters of king Magnus, 1344, at the end of the collection of Laws of Citizenship *(Leges Birc. p. 16)* to be attendants equal to knights.

bord geneatas.	table partakers

L. 682.

Breat bolgen mod	The prince slew in angry mood
beod geneatas	his table companions,
eaxl gesteallan	his shoulder supporters.

L. 3424.

Swa beahlode	So in age increased
bearn Ecgtheowes	the son of Egtheow
guma gudha cuth	a man famed in wars
godum dædum	for gallant deeds:
dreah æfter dome	he acted according to justice,
nealles druncen sloh	nor drunken struck
heorth geneatas.	his hearth companions.

L. 4349.

This kind of vassal occurs as early in A.-Saxon jurisprudence as the laws of Ine, in 689, by which a king's *geneat* was placed on an equality with a *twihind man*, or person of the second class of nobility; and as the number of hides of land for which he might be admitted to swear as a compurgator, amounts in quantity to ten knights fees, this vassal was equal to a baron of no mean consideration in Norman times. It does not, however, appear to have ever been a title of nobility, and the word without addition, occurs in the Laws of Cnute for a villein,† which appears to be its signification in the *Death of Byrhtnoth,* where it is opposed to *beorn,* a nobleman:—

Byrhtwold mathelode	Berthold harangued
bord hafenode	waving his shield;
se wæs eald geneat	he was an old geneat,
æsc acwehte	he shook the ashen spear
he ful baldlice	and full boldly
beornas lærde.	instructed the nobles.

L. 615.

* By law 15, a person charged with theft might clear himself by oath according to the amount of his *were*, or pecuniary value of his life, which was one mode of estimating a man's rank in society; and by law 19, a king's *geneat*, whose *were* was twelve hundred shillings, might swear in that manner for sixty hides of land.

† *Geneat riht,* the right of a *geneat,* is rendered "villani rectum" in the ancient translation of the laws of Cnute. In the laws of Edgar I. *geneat* land is opposed to *thane* land, *i. e.* it was the land of a vassal.

In the Old Saxon and Alamannic laws, on duel, the same term occurs in the acceptation of *par*, peer or fellow.*

Drengage.

14. Among the Saxons there was a tenure, called by a name which even in its mixed or Latinized form, denotes in a peculiarly forcible manner the occupation of land under a superior as the meed of warlike services, performed or expected. In ancient records the service of Drengage frequently occurs,† and those from whom it was due were *drenges*, which the French surveyors employed by the Conqueror to compile Domesday Book, have represented in their aural orthography as *drenches*,‡ and have thus led to a ridiculous derivation of the term from A.-S. *drencan*, to drench, as cattle. From that record, it appears that every *dreng*, was the holder of a manor under the king; he was, therefore, a *thane*, the equal of a Norman baron. Spelman relates that Edward of Shireburne, and some others, who had been ejected from their lands, repairing to William I. offered to prove that they had never, either before or after the conquest, opposed him in council or aids, but had always held their estates in peace; on which the king caused an inquiry to be made throughout England, and finding their representation to be true, commanded that they should be restored to their lands and lordships, to enjoy them as completely and peaceably as ever they had held them before his conquest, adding that thenceforth they should be called *drenges*;§ which, indeed, was their

Drengs.

* 'Welk schepenbar vrig man eynen sinen Genoten to kampe ansprehet, he bedarft to weten sine veir anen, und sin hantgemal, und de te benemene: oder dejene weygert eme kampes myt rechte.'—If a freeman equal in rank to a *scabinus*, challenge his *genot*, (fellow,) to combat, he must exhibit his four ancestors (prove his descent four degrees) and his usual company, or course of life, or the other may lawfully refuse the duel. See also *Jus Alamannic.* c. 16, 1. 'Hat aber der tot man ainen magen von sin vater, und wil der mit im kæmpfen, daz mag er mit geuuidern, er si danne sin genæz nit.'—He who kills a relation by the father's side and will wage duel on it, may refuse if the champion be not his *genæz* or fellow.

† Testa de Nevill' passim.

‡ Tit. Cestrescir', &c.

§ Glossar. p. 184.

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old appellation.* From a passage from an old French historian of the Normans, William Gemetensis, who mistook the words *Dreng Got,* a valiant dreng, for a sirname, the title appears to have been employed in the mediæval sense of the Latin *miles,* and to have denoted a knight, for the writer having named Osmond, Dreng Got, immediately adds the words, "audax miles," a bold knight, in perfect ignorance that the addition is a translation of the title.¶ In all probability the term was introduced into England by the Danes, who called any brave man a *drengur.* One of the allegorical sons of Karl, a personification of the agricultural class in Rigs Mal, is called Drengr, the brother of Freeman, Soldier, and others of the more daring members of society. Signifying one that rushes upon the enemy, presses and compels him to submit,‡ it became among the poets the favorite expression for a gallant warrior.§ There is a singular admonitory passage in

* "Et fuit vetus dreyinghe ante conquestum."—*Mon. Angl. t.* II, *p.* 598, *et Domesday Boc, suprà.*

† Tempore Roberti ducis Normanni Osmundus Drengotus audax miles Apuliam cum quibusdam Normannis metu homicidii petiit.—*Gul. Gemet.* apud *Leland, Collect. vol.* I, *p.* 170.

‡ O. N. *dhreingia,* to compel; A.-S. *dhrangan,* to press, squeeze, *throng.* Ger. *drængen, drengen,* same, to crowd, oppress. In like manner, the the Northern *reckr,* a hero, appears to signify one that drives an enemy before him, from *reka.* Both terms are very appropriate to a people whose principal occupation was piracy and hostile aggression. The dying Ragnar Lodbrog is feigned to have sung in his Northumbrian dungeon:—

Hiuggum vier med hiorvi	We have hewn with our sword!
hit tel eg iafnt adh gangi	I account it just, in the assault,
at samlogur sverdha	in the meeting of falchions,
sveinn i mote einum	that youth oppose youth,
hrokkve ej thegn fyrer thegn	thane recede not from thane:
thad var dhrengs adhal leingi	that was of old the dreng's nobility.
æ skal astvinur meya	Ever ought the lover of maidens
einardhur i dhyn sverdha.	to be bold in the din of swords.

§ The author of Byrhtnoth represents that hero to have been slain by a dreng, by which he appears to mean one of the foremost in the press of battle:—

Forlet tha sum drenga	Then one of the drengs sent

the ancient Norwegian Court Laws, which confirms this explanation: "Be mindful of this," says the lawgiver, "that he who dies a coward, will never afterwards be accounted a *dreng*, because, under what name soever he dieth, by that shall his memory live.* Without doubt, therefore, *drengage* was one of the feodal services before the conquest, and from the signification of the word, eminently denoting a soldier, it was originally discharged by personal attendance in the field. As to the custom of *drengage* service, by finding meat and drink for the lord's son, and provender for the lord's dogs and horses, mentioned by Spelman among the aids of John of Gaunt, it belongs to a modern age, and like all other feodal rents and acknowledgments of feodal superiority, it was a commutation of the primary and essential duty of a vassal to act in the military train of his chieftain. The very nature of this commutation is a proof that the meaning of the term was forgotten, and that the French blunder of 'drenches' for 'drenges' had suggested that the office of this description of manorial lords was to drench cattle. A further illustration of this ancient term, may be taken from *berewica*, the Domesday denomination of a *dreng's* manor. According to Spelman, the *berewic* was rather a part of a manor separate from the body, the vill or hamlet of the domain, or a less manor belonging to a greater; for berewics were not situated in the heart of a manor, but on its confines.† If he be right, and there seems no reason to dispute his opinion, the *bere-*

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Berewick.

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daroth of handa	the javelin from his hand,
fleogan of folman	to fly from his grasp,
thæt se to forth gewat	so that it forth departed
thurh thone æthelan	through the noble
Æthelredes thegen.	thane of Athelred.

L. 296.

* "Minzt a that, at sa er einu sinn deyr nidingur, han verdi aldrei odru sinni drengur, thui at med thui naffn sem han deyr, tha verdur med theiri fregn hans minning at lifa."—*Norrskra Hirdskraa*, c. 19.

† Gloss. p. 79.

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wica of Domesday, is a mistake for *beorgwic* or *bergwic*, a place of defence, the particular denomination of the dreng's residence; as *hall*, a stone building, fortified with moat and turrets, was the name of other manorial seats. With respect to any subsequent degradation of the dreng, by which he held land as a kind of socman, it does not affect the consideration of what he was when first recognized among the feodal tenants of the Anglo Saxons.

Socage.

15. *Socman*, incidentally noticed above, is a feodal term arising out of the jurisdiction of a Saxon thane, and it denotes a man of the *soc*, a word which, with orthographic differences, occurs in the same sense, that of a privilege to try causes, in the different Gothic dialects, and in all appears connected with the verb *to seek* or enquire, investigate. In the laws attributed to the Confessor, under the title of 'Description of various Liberties,'* the *soc* is mentioned as the privilege of the Saxon nobles both temporal and spiritual, and is defined to be the liberty of judging and determining causes within the precinct of the *frithburg* or manor.† All others were to repair for this purpose to the king's justiciars; and those who were subject to this jurisdiction were called *socmen*, which is therefore, manifestly, a synonyme of vassals, of high and low degree. The peculiar duty of him that had the *soc* was called by the general name of *hlafordsocn*, for the protection which was due from the lord to his vassal.‡ The socman however, in Norman times, was considered equivalent to the Saxon *ceorl* or husbandman.§

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* Vide Suprà, p. 156.

† *Leges Edw. Conf.* c. 22. "Soche est, quod si aliquis querit aliquod in terra sua, etiam furtum, sua est justicia, si inventum fuerit an non."

‡ So "*sithesocn*," the *soc* or jurisdiction of a "*gesith*," companion or count.

§ *Sockman;* a freeman who holds of the king, or other lord in ancient demense, his lands or villeinage tenements; and he was privileged thus, that none could eject him from his land so long as he performed the services due for it, or compel him to do more than he was bound. In the Anglo-Norman laws, the *ceorl* of the Saxons is often rendered *sockman*."—*Gloss. to Ancient Laws.*

16. That other vestiges of feodality may be discerned, or on close examination of forensic terms be detected, among the remains of the Anglo Saxons, is exceedingly probable; but since the people possessed all the principal incidents of military tenure, and like the Scandinavians were completely free from Roman influence, it will be somewhat difficult to believe that their institutions had any, the most remote connection, with the peculiarities of a people in every respect widely dissimilar. As they did not erect corporations and municipalities in the territories which they acquired by their swords, they were obliged to maintain possession in the same manner. The question as to the existence of the feodal system among any ancient people, contracts itself within less compass than a nutshell, for they who subsisted by rapine, or lived in the neighbourhood of depredators, or extended their territories by conquest, knew no other form of government. Military tenure and all that belonged to it, originated in warfare, and began to decay as soon as civilization, fostered by commerce, created new wants, and the necessity of supplying them gave birth to an order of men, before whom the power of the feodal baron has vanished, leaving titles of lost import, and privileges which must perish in the progress of the silent revolution, that having enfranchised the middle classes daily comprehends the lower. The aristocracy of wealth must destroy the aristocracy of birth, which is valuable only as it stands in public estimation; but whether the man of trade and manufacture, who now takes the station of the feodal baron, as unencumbered by his duties as uncheered by the attachment of dependents, will be equally beneficent to society, is to be seen.

Norman Tenures.

17. It is generally said that the era of formally introducing the feodal tenures by law was probably the latter end of the year 1086, when the king was attended by all his nobility at Sarum, where all the principal landholders submitted their land to the yoke of military tenure, and became the king's vassals. This engraftment of the feodal

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tenures and other customs of Normandy upon the ancient Saxon laws, produced a different political system in this country, and changed both power and property in many respects, for those hereditary estates of the Saxon nobility and gentry which were allodial, and not subject to any feodal service, were converted into feods, and other lands which were of a feodal nature and held by military service, having been granted only at will or for a certain term of years, or at most for life or lives, and the grants of which were called benefices, were made hereditary fiefs.

Grand and Petit Serjeanty.

18. After the preceding proofs of the existence of the Feodal System in England from the Anglo Saxon Laws, it is evident that William did little more than adopt it, giving the new names of *grand* and *petit serjeanty*, or great and small service, to feodal duties of the royal or ordinary thanes, who were thenceforth denominated barons. "Thus," says St. Amand, "if land were given for the service of the steward, constable, chamberlain or marshall of England, such gift and service created a grand serjeanty; but if for service of the household, master of the horse or chamberlain of the household, these respecting only the service of the king, and not the public; such services as they created no tenure of the public, so did they, as I conceive, make only a tenure of petit serjeanty."* All these officers were known to the Saxons to the earliest times, and were supported by the only means in the power of the state or the king, the lands on which they lived. It is exceedingly probable that the feodal system varied in minor respects with the varying customs of different people. The general nature of the tenures in France would be the same as in Denmark, but varieties would arise with circumstances, and when the Northmen settled in France an amalgamation might take place, and produce a system not resembling the German, Italian, Spanish, or Saxon systems. The latter,

* Histor. Essay on Legislat. Power of England, p. 73.

as having been less affected by the customs of the Britons and Roman Britons, who were nearly extirpated by the conquerors, must be considered the oldest form of feodality, and to have subsisted without innovation until the Normans brought their Frankish and Danish compound. What pre-existed they adopted.*

19. The same judicious writer has the following synopsis of the alterations made by the Normans: "The army the Conqueror brought with him was too weak to keep the English in an unwilling obedience, and yet much less able to do so, when many of them returned, a year after the invasion, to their native France; hence the Conqueror probably sensible, that it could not be the interest of the minority to keep up distinctions, acted on a view of consolidating both the English and French into one people, and for this purpose introduced here wardships and marriages.† On the same motive it is highly probable, he did not subvert or dissolve the Saxon government, but adapted the rewards of his fellow adventurers to their constitution, and left the Saxon earls as in their institution officiary, and the counties under their administration, but undermined the power he could not safely destroy, by dismembering the barons estates in a manner from the counties, and making them recognize no superior but the crown.

"The Conqueror gave part of the land that he retained to himself under the reservation of military service, to his own immediate followers; so did his confederates, who, holding their lands by the service of a determined number of soldiers,‡ enfeoffed their own immediate followers with some portion of what was assigned to them for their share, under reservation of such service. These lands so given

* See the preamble to the Laws of the Conqueror, p. 156, note ‡.

† But see p. 152, suprà.

‡ We have no trace of this in the Saxon laws, and yet since it was an established custom among the Northern nations, (See Harald Harfagre's provincial laws, in his *Saga*, p. 78,) it must have been known, at all events, in our Danish reigns.

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Knight's Fees.

were called Knights Fees; and it is highly probable that the Conqueror and his associates did compel many of the old English to hold their ancient possessions by the same tenure, the number of them exceeding sixty thousand. As they all agreed in the creating of knights fees, so did they in one uniform manner divide, or, which I think more probable, continue the division of the residue of their possessions in the same manner as the Saxons used; some part they retained in their own hands, other part was allotted to husbandmen in lieu of hire; for as narrow as their commerce was, they had not money enough to answer its occasions. These were to till and manure such portions as they retained in their own hands, and were called Tenants in Soccage, a word which signifies the service of the plough; and properly were they so termed, since till Henry the Second's* time they actually performed that service; then indeed money became more plentiful, and as the reason for the institution of that service was thereby gone, the service itself vanished, and in lieu of it have ever since paid a rent; the residue was either left to the occupation of the bondmen, or, lying neglected, was called the Waste."†

* Hale, of Sheriffs Accounts, p. 14.

† Bacon's Elements of the Law, 30. St. Amand, Histor. Essay, p. 73, 4. The service performed by a tenant in socage was what is described, but it is not the meaning of the word, as asserted in English law books. The *soc* was the Saxon manor, and the *socman*, a tenant upon that manor; and of necessity there were several grades of socmen, from the *guma* (whence yeoman or free tenant), to the *theow* or serf. In the reign of Henry I. *man* was added to the latter word, and the serf, "glebæ adscriptus," was called *thu-man*, as it is found in the Chronicle of Robert of Gloucester, who, speaking of the laws enacted by this prince, says:—

Thuman.

"He drou to rigte lawe mani luther custome.
Sein Tomas hom withsede and granted somė.
The lawes, that icholle nou telle, he grauntede vawe.
Guf a thuman hath a sone to clergie idrawe
He ne sal, withoute is louerdes (will) icrouned be
Vor thuman ne may nougt be imad agen is louerdes wille fre.
P. 470.

Selden injudiciously reads *yuman*, and Hearne as inaccurately explains *thuman* to be "yeoman, common man." A yeoman was not a common man, but a free vassal, and the *thuman* was not free. In Teutonic etymology GUMA=HOMO Latin; and in Beowulf *dryhtguma* is "comes," a *geneat* or *gesidh*, a feodal vassal, the companion of his lord. The Foreign Quarterly Reviewer connects *guma* with Goth. *gaumjan*, A.-S. *gyman*, to observe, take care of, watch; and if he be right, yeoman corresponds with the Slavonic title *czar*, a watchman, which appears to have been adopted in the modern German *kaiser*, an emperor. "I call him a yeoman," says Smith, in his Commonwealth (b. I, c. 23.), "whom our laws doe call *legalem hominem*, a word familiar in writs and enquests, who is freeman born, and may dispend of his owne free land in yeerely revenue the summe of xl*s*. sterling." In all old writers yeoman is invariably considered to be a proprietor; and originally he may have been a farmer or cattle feeder. The resemblance of the word to the Sanskrit *goman*, a possessor of cattle, and particularly of cows, throws considerable doubt upon the suggested connection with the Gothic *gaumjan*. Besides, we know that *groom* is a derivative of *guma*, and the latter would scarcely give another word so widely different from both as yeoman. It may also be observed that as *groom* is not *grooman*, so *yeoman* is not *yeom*, as it would probably be if *guma* were the etymon. The Scottish writers employed *groom* in a military sense: and in the poem of Wallace, *groyme* is a warrior:—

Yeoman.

Groom.

"The worthi Scottis the dry land than has tayne
Apon the laiff fechtand full wondyr fast,
And moni groyme thei mad full sor agast."

In Gower's old English, *grome* is a servant:—

"——Every man shall take his dome,
As wele the mayster as the grome."

Confess. Am. apud *Jamieson, Etym. Dict. in v.*

CHAPTER VII.

Titles of the possessors of supreme authority.

1.—Nobles, edelings, athelings, libertines. 2.—Youths, juvenes, knights; Ignobles. 3.—Signification of the termination *-ing*, *-inus*, &c.; Lordings. 4.—Lassi, handicraftsmen; theows and thumen. 5.—Rex. 6.—The manner in which all titles and appellations originally came to be applied, adopted, and generally used. 7.—Titles of Sovereigns. 8.—Diar. 9.—Aldor, a rex. 10.—Rex same as rakshi and reg-, as raja. Brahmanic derivation. 11.—Thiudans, a king; the title of Theodoric. 12.—Theoden, a lord. 13.—Judge, a military title; doomers. 14.—Rectors. 15.—Terms for kingdom mostly denote power or people, not territory. 16.—KING; importance of the etymology. 17.—Hendinos, in old Burgundian, a king; the same word as the Latin centenus. 18.—Kindins, Gothic, the same as hendinos. 19.—Cyning, a king, derived from cyn. 20.—Synonymes of king. 21.—Its true etymon. 22.—Hunnones and hundreders. 23.—Multitude of kings. 24.—Mistakes as to the splendour of the rank. 25.—DUKE. 26.—Hofding, Captain. 27.—Kings turned to jarls. 28.—QUEEN, Drottinn, Lady, Dame, Frau. 29.—Chieftain, hofding, captain. 30.—Prince. 31.—Atheling. 32.—Earl. 33.—Viscount.

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Orders of Society.

1. In every community, whether its government be monarchical or republican, there must necessarily exist three principal classes of people, the higher, middle and lower, and each contain its subdivision in like manner. Where there is any competition, there can be no equality of condition. Of all people, ancient or modern, the Germans described by Tacitus seem to have possessed the greatest equality of civil rights, but they were subject to this law of society. There are commonly said to have been distinguished four classes among this people, the *nobiles, ingenui, liberti,* and *servi,** but on closer examination it will be found that he

* Schildius, de Caucis et alii.

has described only three. In the thirteenth chapter of his Germany, he speaks of the *principes*, who were the *aldoras* or chieftains, their *comites* or comrades, and the *juvenes*, or *knechten*, youths or knights, just as the chiefs of the Red Indians are described to be attended by their warriors and "young men." These are also manifestly official persons, and answering to the dignity-men of the Northern tribes.* As birth was a necessary qualification, such men were generally termed by the Germans, *adalings, edelings*, or *edhelings*, connected with the Gothic *atta*, a father, and literally corresponding with the *patricii*, men of birth of the Romans. As every German citizen was entitled to bear arms, he was a freeman, and this is what appears to be the meaning of *ingenuus*, free born, in the fourfold divisions. Having mentioned freemen who lost their liberty by gambling, he says, "The rest of their slaves they do not use according to our custom, with particular offices marked out for them through the family. Each manages his own habitation and his own household."† The Roman term *servi*, is therefore, inapplicable to this class. They were not freemen, but they were not slaves, and were eligible to the class of freemen, by the presentation of arms. The freedmen he calls *libertini*, and says that they are not much superior to slaves, and seldom have any weight in the family, never in the state, except only in those states which are governed by kings. For there they gain the ascendancy both above the freeborn, and above the nobles; among the rest, the unequal condition of freemen is a proof of liberty.

Youths, Juvenes, or Knights.

2. In the fourth century Ammianus repeatedly mentions the *juvenes* or knights, and two centuries afterwards Jornandes speaks of a second order of nobility,‡ by which he probably distinguishes the class of *juvenes* from that of *comites*. Witechind and Nithard, three centuries after the

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* *Tignarmenn*, men of title; but the word *tiginn*, noble, corresponds with the Latin *dign-us*, worthy.

† C. 25.

‡ De Rebus Geticis, c. 29.

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historian of the Goths, perfectly concide in their manner of enumerating the divisions of the Saxons. The former finds among them three orders, besides that of serfs,* and the latter says that this people consists of three ranks, called *edlingi, frilingi,* and *lassi,* answering in Latin to *nobiles, ingenui,* and *serviles.*† Adam of Bremen, in the eleventh century, distinguishes four classes among the same people, the *nobiles, liberi* or freemen, the *liberti,* the freedmen, and the *servi* or serfs.‡ The *lassi* of Nithard included the Bremen historian's *liberti* and *servi,* and consequently Witechind's people of servile condition.§

Ignobiles.

Edlingi or Athelings.

3. The *Edlingi* are those nobles whom Paul Warnefrid more correctly terms *adelingi,* a word immediately springing from *adel, edel, ethel* and *ethli,* which in O. German, Norse, and Anglo-Saxon, signifies a race or family, and which, like the cognate terms *ödal* and *ödhal,* already noticed in connexion with the Gothic *atta,* a father, is a derivative from the Sanskrit root AD, to eat. A mistake with respect to the import of the common termination *-ing,* has led to an erroneous explanation of the whole term *adeling,* (belonging to a family) a man of birth, by which it is made to signify a second or inferior order of nobility. This termination, with slight variations according to the genius of the language, is common to Indo-European dialects. In fact it is the Sanskrit termination *-in,* which communicates a denominative, attributive or possessive signification to its subject; as for instance, *jnan,* wisdom, is converted into *jnanin,* possessed of wisdom; *hala,* a plough, *halin,* con-

The Indo-European termination -in-g is not the sign of a patronymic

* Gens Saxonica triformi genere ac lege, præter conditionem servilem, dividitur.—*Annal. l.* I, *c.* 1.

† Quæ gens omnis tribus ordinibus divisa consistit. Sunt enim inter eos, qui Edlingi, sunt qui Frilingi, sunt qui Lassi, illorum lingua dicuntur. Latina vero lingua hoc sunt, nobiles, ingenui, atque serviles.—*L.* IV, *c.* 5.

‡ Quatuor differentiis gens illa consistit, nobilium scilicet et liberorum, libertorumque atque servorum.—*L.* I, *c.* 5.

§ "Liber et servus" are the only distinctions in the old laws of the Angles and Thuringians, on *homicides.*

nected with a plough; and so of a vast multitude of words. It is, as before intimated, the parent of the Greek *-einos*, Lat. *-inus*, and Goth, *-ins*. In the Scandinavian, A.-Saxon and Germanic tongues, a *g* appears for the *s*. *Ing* in the Saxon word *cyning*, has been regarded as the sign of a patronymic, because it is found in such expressions as "Penda wæs Wybbing. Wybba Cryding," and translated, correctly enough as to historical fact, but inaccurately as to verbal import, "Penda was the son of Wybba, Wybbe the son of Cryda." But the grammatical sense is no more than "Penda was (a) Wybbine, Wybba was (a) Crydine," by which Penda and Wybba were sufficiently distinguished from all other persons of the same name.* In Latin, *in*-us converts names of places into persnoal appellation, as from *Salonæ* is made *Saloninus*, and in all cases it intimates a connection between the word so terminated and its etymon: thus *Lars* or *Lara*, gives *Larina; leo, leoninus; ursus, ursinus, &c.* So from *bär*, a bear, come the names Behring and Baring, equivalent to the Italian Orsini, from *orso*, Lat. *ursus*, a bear; and it might be exactly represented in English by Bearing or Bearine. Bunting, a common surname, is *bonding*, of the quality of a *bondi* or husbandman; and in like manner the Norw. *bandingi*, a prisoner, from *band*, a ligature, becomes Bentinck. The old Swedish *drottning*, a queen, is formed from *drottinn*, a lord, a sovereign, just as in Latin, *regina* is formed from *rege*, and in Sanskrit *rajni*, a queen, from *raja*, a king. In the same way, the old English *lordine*, corruptly *lourdan* or *lordane*, may be explained, though in still older language the original termination was unaltered: *louerdynges*, means no other than lordines, men of the quality of lords, or worthy of thegn-right. Thus are styled several persons, who *Lordings.*

* Grammatically there is not the slightest difference between *Carolingi* and *Carolini*, or *Carlovingi* and *Carlovini*, if there be such a word. The "Libri Carolini" are not the books of the son of Charles, but the Caroline books.

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—"mortlire of Eiucsham; vor bataile non it uas."

"Louerdinges ther were inome of Evesham mani:
As Sire Unfrai de Boun, Sir Jon le fiz Jon,
And Simondes sone de Mountfort Sire Gwy,
Sire Baudewine de Wake, sire Jon de Vesey,
Sire Henri de Hastinges, and Sire Nicole iwis
De Segrave was there inome, & al so sire Peris
And Sire Roberd that Sire Peris de Mountfort sones were
Thuse & wel mo were in thulke morthre there."*

Lassi, liti, or læti. 4. Lassi is one of three terms applied to the lowest or servile class, not absolutely slaves. *Liti*, in continental Latinity, and *læt* in Anglo-Saxon, appear to denote little; but *lass* or *lassi*, in the Latin plural, is a Sanskrit term for handycraft work; these were, therefore, the tradesmen and artizans, while *liti* and *læti* seem to answer to the "small commons" of our old laws, where they treat of villeins and labourers;† the *theows* of the Saxons, and *thumen* of the English, filling up the remainder as slaves. *Theows & thumen.*

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* Robert of Gloucester, p. 560.

† The following extracts seem to confirm this explanation. *Liti* occurs in a charter of the Lady Williswind, and her son Cancro, count of Hagenheim, in the 12th year of Pepin, or 764, in an enumeration of lands, houses, goods and chattels, "farinariis, *litis*, libertis, conlibertis, mancipiis, mobilibus et immobilibus, peculio utriusque sexus," &c.—*Chron. Laurisham. p.* 56. In a grant of privileges to Adalgagus, archbishop of Bremen, by Otho, in 977, a female *lit* is granted with her children and their future offspring, "Donamus etiam ad hæc præfato archiepiscopo interventu Bernhardi ducis quædam nostri juris mancipia, *litam*, viz. Thietsniden dictam, cum filiis ejus et filiabus omnique progenie, quæ ex his per successura tempora fuerit procreata."—*Apud Schild. de Caucis, l.* I, *c.* 13. By the Saxon laws, the lord was to give satisfaction for whatever the *litus* did by his command: "Quidquid servus aut *litus* jubente domino perpetraverit, dominus emendet."—*Tit.* 10, *s.* 1. The *litus*, although he could be given away with the land, was not a slave, as appears by the distinction "servus aut *litus*." A Frisian law contemplates the redemption with his own money, of a *litus* from his master: "Si *litus* semetipsum propria pecunia a domino suo redimerit."—*L. Frisior. tit.* 11; and *L. Ripuar. tit.* 64, explains him to be a *tributarius*, by which evidently must be understood,

5. If the *adelings* held no office, they had no title, and therefore did not properly come under the denomination of men of rank and dignity, the *tignarmen* of the northern nations. All titles denoting rank are the appellations of offices, and hence there will be little difficulty in ascertaining what the greater part were in their origin. It seems, however, necessary to state a reason for rejecting all derivations of ancient titles in primitive languages from foreign sources, although that process has been usually adopted, and its results have been generally received as satisfactory. When Postel maintains that the Latin *rex* is derived from the Hebrew *rosch*, a head, a chief; and others, now living, insist that the Anglo-Saxon *cyning*, (English, king,) is derived from the Irish *ceann*, a head, a chief, they are deceived by a resemblance in orthography, and take a secondary or derivative meaning of *rex* and *cyning*, for the primary one annexed to their false etymons. The utter improbability of a communication between the first race of Sakasens and the Irish, and between Romakas and the Jews, who had most likely never heard of each other, is evident when we consider that the Latin word which, in the oblique cases, corresponds with the Sanskrit *raja*, a king, answers to the Scythian *reix*, a chief, the Gothic *reiks*, a prince, and the Norse *rekkr*, a hero, and that the Anglo-Saxon word, in a variety of forms, is found all over Europe, north of the Danube, and even in Livonia. Each class has derived from one common source, whatever that may have been, and in their respective dialects are original or archaic for every purpose of inquiry. *Rex.*

6. If the Sakasens, of whom the present inhabitants of Europe, who have descended from the Roman, German, *Origin of Titles,*

one who managed his own household, paid a portion of the produce from the land allowed for his use, and was disposed of along with his owner's estate. *Litti, lassi,* and *lazzi* have been thought adjectives *(little, less, least)*, with a Latin termination. See the Glossary to the Ancient Laws and Instit. of England, in explanation of the "terræ læticæ," and the *læt* of the Laws of Ethelbert.

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and their universal application

and Norse tribes, must be considered the lineal representatives, came into Europe in an orderly manner, peaceable or warlike, they must have had chiefs, with their subordinate officers, and all distinguished by appellations corresponding to their functions. The manner in which these appellations, whether originating in Asia or Europe, arose and became general among the people, must have been the same as the process of giving a name to a trade or profession. The people, for instance, observing a man frequently engaged in pouring out molten metal, would call him *geotere,* or *fusor,* the pourer; or, if a man were to devote his time to the preparation of flesh for food, they would call him the flesher or fleshmonger, or *creourgos* or *carnifex,* according to the language; and in process of time these names would be the general appellations of the trades among those people by whom the appellations were understood.* That this is the process by which the name of the trade is fixed unalterably to the profession, is proved by the fact that the circumstance or operation is not noticed by all people alike. Thus the Gothic nations observing the armourer frequently striking hot iron with his hammer, called him *smith,* the smiter; the Romans, looking to the result of his labour, called him *faber,* the artist or maker; the Greeks, seeing that he busied himself chiefly about brass and copper, named him *chalkèus,* just as others called him a *forger* because they saw him work in iron. A man addicted himself to a particular occupation before a name was given to it, and he himself would not be the author of the name, but the people who wanted his services, who talked about him, and who inquired after him. Thus a term known at first only to a few, became general, and was finally adopted by the common consent of the people, as the distinctive appellation of the office which it described. It seems absurd to suppose that titles originated with the chiefs;—

* Several names of occupations, resulting from modern inventions and improvements, are instances, as postman, lamplighter, stoker, &c.

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that, for instance, a chief would say to his follower, you shall take care of my bottles, and be called the king's *bottler* or *butler;* to another, you shall command my army, and be called *herzog;* to a third, you shall guard a distant province, and be called an *old man,* (the common derivation of alderman) or an *honourable man,* (the usual derivation of earl); to a fourth, you shall be my chief glory as a fighting man about my person, and be called a *boy:* yet this is the process which alone will account for the origin of titles as given by writers who forget that the source of all words, and of all honour to be paid to them, is the common understanding and appreciation of the people. If instead of *smith,* the smiter, the Gothic nations had gone to the Latin and borrowed *percussor* in the first instance, that term would have been known only to the few by whom it was imported, and it would never have become general, because it conveyed no idea whatever to the bulk of the people. In short, it is little better than downright nonsense to look in ancient languages for derivatives from foreign sources. People who were at little peace among themselves, and in constant warfare with their neighbours, and who possessed, as all the Gothic nations did, dialects more copious that Latin, and equal to the Greek in facility and strength of combinations, never rendered themselves debtors for their household words.

Titles of Sovereigns.

7. The Saxon *aldor,* the Gothic *fads,* Sanskrit *pati,* and the Latin *pater* have been shewn to correspond in a radical meaning, that of sustaining and supporting the people dependent upon them, and there can be no doubt that the last, at least, was given by the people to their chief from analogy observed between his duty and that of a father. The Gothic *fadhs* or *fads* occurs in connexion with people only in the compounds *hundafads* and *thusundifadhs,* supporter of a hundred, supporter of a thousand; but *aldor* and *pater* were not so restricted, and yet it is probable from history that they were only the chiefs of the hordes, tribes, or clans, into which their nations were divided.

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Beda tells us that the ancient Saxons had no kings, but many "Satrapæ," and that in time of war, they united together, when the "Satrapæ" elected a leader whom they obeyed so long as the occasion demanded the continuance of this alliance. In Rome, being continually engaged in war, the *patres* formed themselves into a perpetual council, and elected a perpetual chief called a *rex*. By what name the Saxons termed their temporary war-chief, cannot be certainly known. Cæsar calls him a magistrate among the Belgians, and Tacitus mentions both *dux* and *rex* among the leaders of other nations. There is, however, an ancient title of high nobility, which seems descriptive of the office of one who draws a multitude together from all sides, or, which is nearly the same thing, who commands a multitude collected from all quarters. The Goths called soldiers ga-*drauhteis;* the Anglo-Saxons named a lord *dryhten,* which corresponds to the ancient German *druhten, druten,* and *truhten,* and to the ancient Norse *drottinn,* which it is affirmed preceded the title of king of Scandinavia,* and of which *drottning,* the present Danish and Swedish term for their queen, is the memorial.† With respect to the etymology of this very antient title, we are told that *drottin* comes from *drött,* a family, as Gothic *thiudans,* a king, from *thiuda,* people; but *drött* does not account for the Saxon and German words, and besides, is itself in want of an explanation. This example shews the insufficiency of trusting to etymologies founded upon the observation of coincidences in a single language. Omitting

Drottning, Danish & Swedish title of Queen.

* "Dyggvi var fyrstur kongur kalladhur sinna ættmanna, enn adhur voru their drottnar kalladher, enn konor theirra drottningar, enn drott hirdhveitinn." Diggvi was the first of his family called a king: previously they were called lords, their queens, ladies, and their household a *drott.*—*Ynglinga Saga,* c. 20.

† The Fins call it *droting.* In an old Danish record of deaths, printed in Langbeke's collection, we have the obit of "*Dronnyngh* Margrete, konnyngh Waldemars dottir."—*Script. Rer. Dan. t.* IV, *p.* 323. The former is regularly formed, but *dronnyngh* must be a mere provincialism.

the common prefix and termination of the Gothic *gadrauhteis*, we obtain *drauht*, etymologically equivalent to *dryht*, *truht*, and *drött*, for the Gothic AU=O=U=Y. The Gothic *drauht*-eis appears to correspond with the Latin *tract*-us; and Norse verb *draga*, A.-S. *dragan*, O. H. G. *tragen*, Lithuanian *traukti*, equally answer to the Latin *trahere*, to draw. These words are all referable to the Sanskrit *draghitum*, to labour, to draw out, to be strong; and *drottinn*, *dryhten*, *druhtin*, a lord, will denote a powerful person at the head of the *gadrauhteis*, the *drott*, or the (A.-S.) *gedryht*, company of persons drawn together. That one of these terms was the title given to the chiefs who assembled the different hordes of Asiatics in their earliest invasions of Europe, seems to be quite within the bounds of probability. It was a regal title in Scandinavia, and is also so used by Ottfried. In the Anglo-Saxon gospels and homilies it is usually attributed to Jesus Christ, while in Beowulf, it is a frequent epithet of royal, or at least princely personages. To these considerations may be added what has just been noticed, that it still subsists in the Danish, Swedish, and Icelandic name of a queen.* Its disuse as a military term among the Saxons and Germans might be accounted for by the more obvious signification of *heretoga*, army leader, which was better adapted for common acceptation.

8. These lords, the earliest sovereigns of the country, were also called *Diar*, who presided over sacrifices, and the *Diar.*

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* As a matter of curiosity, it may be noticed that the word *drygt* lingered in English poetry down to the twelfth or thirteenth century :—

I beleve in oure holy drygt
Fader of hevene, god almygt.

Cott. MS. Claud. A. 11, *fo.* 132.

The term *draught* is still used in the army, and those who are draughted from one regiment to another, would anciently have been called a *gedryht* :

Thær Hrodhgar sæt	There Roger sate,
eald unhar	the old hairless one,
mid his eorla gedryht.	with his group of warriors.

Beowulf, 710.

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judgments of their people.* They were, therefore, priests and judges, as well as rulers, and, in this respect, corresponded with the *reges* of the south:—

"Rex Anius, rex idem hominum, Plœbique sacerdos."†

That this is the signification of the plural word *di*-ar (=*di-i* Latin) will appear by correcting a mistake in the copies of Jornandes. Among the Getæ, he says, there were some priests called þii, which it is evident was originally written *pii, thii*, or *dhii*, just as in the old printed copies of Cnute's Forest Laws, "pegni" appears for þegni, *thanes*. It is remarkable that in the Mexican language, *di* is a great lord, and that in this sense it is still used in the dialect of St. Kilda, where old Norse words abound. The identity of the Greek *theoi*, Lat. *dii*, and this *dhiar* or *diar* cannot be doubted, though the significations are so far different, that we nowhere find the German princes setting up a pretence to divinity. All these terms correspond with the Sanskrit *devah*, a God, from *div*, the sky.

Aldor, or rex.

9. There appear to have been among the early nations of Europe several designations of the supreme ruler; and Tacitus mentions that some of the states were not governed by *reges*.‡ This is the word which king Alfred renders *cyningas*, kings, in his translation of the passage in Beda, where that writer observes that the old Saxons had no kings, but satrapas, or aldormen according to Alfred. Aldor or aldorman and cyning, are therefore, titles of the supreme governor, and both, are, in all probability, expressed by the Latin *rex*, which appears to be the pure Sanskrit *rakshi*, a king, from *raksh*, to preserve, to nourish, and thus it agrees in the radical signification with *aldor* and *pater*.

Rex the

10. *Rakshi* or *rex* corresponds with the Gothic *reiks*, O.

* Their radha fyrer blotum ok domum manna imille: that ero diar kalladhir, edhur drottnar.—*Ynglinga Saga*, c. 2.

† Virg. Æn. III, 80.

‡ De Mor. Germ. c. 25.

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same as rakshi, and reg-e as raja.

Prussian *rykis;** but the oblique cases of *rex* seem referable to the Sanskrit *raja*, a king, of which there is a very ancient etymology by a native writer before the commencement of the Christian era: "The mighty Prithu, the son of Vena, being thus invested with universal dominion by those who were skilled in the rite, soon removed the grievances of the people whom his father had oppressed, and from winning their affections, he derived the title of Raja or king."† The word referred to is *raga*, passion, affection, which since it denotes neither personal quality, nor duty, nor aptitude for the office, is not a very probable etymon of the title. Grammarians do not approve of it, but on the contrary, judging on the principle of external resemblance, they propose the verbal root *raj*, shine, which it is very unlikely a whole people would fix upon to denominate a ruler, who had duties to perform. As there is a disagreement among natives on the subject, we are at liberty to reject either of these derivations, or both, and there is less presumption in suggesting another, particularly if it should be conformable to what is observed in the origin of other titles, and if it should agree with the peculiar signification of some of the cognates. If a Brahman can believe that *raja* was formed from *raga*, there is a possibility that it may have been derived from *ragh*, to be powerful, and *ragha* or *raja*, will signify literally, a powerful man, a hero, and so the leader of warriors.

Brahmanic derivation.

"Rex," says the Foreign Quarterly Reviewer of Prof. Jäkel, "connects itself no doubt with ὀρέγω, *rectus*, A.-Sax. *reccean*, &c. with the English *rich*, Spanish *rico*, wealthy, powerful, (a Gothic word), as seen in their *ricos hombres*, *i. e.* nobles; with the Gothic *ragineis*, a councillor, and many other words. The original acceptation seems to be extension." Two classes of words seem here to be con-

* That is (x=ks) raksh-*i* =rek-*s* =reik-*s* =ryk-*is*. Of *rakshi*, the root is *raksh*, to preserve, to nourish: *i*, *s*, and *is*, are grammatical syllables.

† Vishnu Purana, c. xiii. p. 101, 2. By Mr. H. H. Wilson.

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founded. The English *rich*, Fr. *riche*, A.-S. *rice*, Span. *rico*, and Norse *rikr*, powerful or rich, are obvious cognates of the Sanskrit *riktham*, wealth, goods, which with *rag*, explained *swadaptyoh*, in taste, gain, acquisition, and so on, is very unsatisfactorily referred to *rich*, to separate, and to *rich*, to praise. *Ragh*, the immediate root of *raja*, *rex*, *recke*, is probably a derivative of *rag*, the root of *rich*, *rico*, *rikr*. *Reccean*, to reach, is connected with A.-S. *reccan*, to care for, O. Germ. *recken*, to act, and O. Norse *reka*, to agitate, drive forth. In the first, we see a correspondence with the Latin *regere*, to govern, and in the two latter, the reason of its being applied to heroes, the commanders of armies.* *Sa reiks this fairhwaus*, is the Gothic version of 'the prince of this world,' in the Gospel of St. John:† in Norse, *rekr* was merely the epithet of a prince, and in ancient German, *recken* seems to have been a name given, as Goldastus thinks, to such brave men as defended the people from the attacks of enemies and incursions of robbers, or were governors of districts, cities, or only castles.‡ This opinion receives strength from the meaning of the Anglo Saxon *reccere*, and from the fact, that it has not appeared among the German nations as a title of their supreme rulers. It is found in this sense only in Rome, in the form of *rex*, and in its provinces on the Continent. Though frequently used by Cæsar and Tacitus in speaking of the Belgic and German sovereigns, there is no reason to suppose that any of them bore the appellation as their official title.

Thiudans, probably the title of Theodoric the Goth.

11. Procopius, speaking of Theodoric after he assumed the sceptre of Italy, says, that in governing the Goths and Italians he used neither the ensigns nor titles of the Roman empire.§ On this Sperling observes, that the title which Theodoric assumed is not stated by Procopius or any other

* 'Landræcke, thar hann rekur her sinn umm lond.'—He is called the *rekr* of the country, when he conducts his army through the land.—*Snorro's Edda.*

† Chap. xii, 31.

‡ In Animadv. ad Script. Parenæt. p. 362, apud Wachter, v. *Recken.*

§ De Bello Goth. l. I.

writer; and the learned Dane thinks that it must have been *thiudans*, a king, from *thiudo (thiuda)* people, because that word is used in the Gothic Gospel to represent *rex*.* In support of his opinion he adduces two passages from the Havamal and the History of Hervor, which however, prove no more than the existence of *thiodann*, the epithet of a prince or lord, in ancient Scandinavian literature.† Yet since the word is found in all the dialects, since the Germanic nations were particularly known as the Teutish, (now the Deutsch, Dutch), or Teutonic, and since *diet*, in English, preserves the name of their national assemblies or councils of states,‡ it is exceedingly probable that it was a regal title among other people than merely the Goths. From the expression of Procopius, that the title adopted by Theodoric was the name of empire, nothing is collected that proves more for *thiudans* than for *reiks*. The Goths had both *thiudangardi*, *thiudanassus* and *reiki*, as the name of kingdom; and while the compounds are not to be found elsewhere, *reiki* is obvious in the Anglo-Saxon *rice*, the Norse, *riki*, and the German *reich*, and affords a reason, as before stated, for believing that the corresponding word was used as an officiary title.

Diet.

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* De Summo Regio Nomine, *Konung*, Sect. 3, p. 38.—'*Hails thiudan Iudaie!*'—Hail, king of the Jews!—*Mar.* xv. 13.

† This is manifest from the passages themselves; 'Liod eg than kan er kannat thiodans kona oc manskis megur.'—I know the lay, which the prince's wife and the son of nobody, know not.—*Hav. c.* 9. 'Thiggia af thiodan,' (in *Herv. c.* 17,) 'to accept of you, prince,' will not bear a more particular construction of the word.

‡ In Alam. or O. Germ. *diet*, a great crowd: *diete*, Fr. from the Frank, *diette;* but O. Eng. *dyot* is nearer the older or Gothic orthography, *thiuda*, *gens*, *natio*, and prevents any mistake as to its import. The king of Rome "hath sent Gusman, one of the cheefe aboute him, to th'emperor to exhort him to attend the dyot in some place of Germanie, for the quittance of the same, which as yet hath had no advice."—*Lodge, Illustr. of Brit. Hist. v.* I. *p.* 170, quoted in Dr. Richardson's *Etymol. Dict. v. diet.* Du Cange assigns the very jejune reason for the name *dyeta*, deducing it from the Latin *dies*, that these assemblies were so called because they sat but one day.

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Theoden.

12. We see the sense of the Anglo-Saxon *theoden* in numerous passages of poetry:—

Wille ic asecgan	I will tell
sunu Healfdenes	my errand
mærum theodne	to the son of Halfdane,
min ærende	the illustrious prince,
aldre thinum.	thy king.
Beowulf, 685.	*Kemble.*

It is an epithet of *aldor* which is here used as the synonyme of *cyning*, a king, in other places given to Roger as his proper title. With respect to the etymological import or radical conception of the word, *thiudans* in Gothic appears to be connected with *thiutheigs*, good, according to the notions of primitive and warlike people, strong, courageous and valiant. The Gothic *thiudans*, a king, finds its etymological equivalent in the Latin *tutans* and *tutor*, a protector, defender, and in like manner the following are connected with their own verbs, and with each other: A.-S. *thyhtig*, stout, valiant, from *theon*, to be able, which makes pres. plu. in *thugon;* hence *dugan*, to be able, =*duga* Icelandic, =*duer* Dan. to be able; Germ. *deihen*, to prosper; A.-S. *dugoth*, virtue, nobility; Icelandic *dygd*, virtue; A.-S. *dohtig;* New Germ. *tüchtig*, able, fit; O. Engl. *dogtie*, doughty, noble, valiant:—

In Rome was a dogty man,
That was y called Eufemain,
    Man of moche mygte;
Gold and selver he hadde ynoug,
Hall and boures, oxse and ploug
    And swithe wel to dygte.*

If any people besides the Goths had employed this word, which expresses no duty or office in its radical import, but is well adapted for an epithet, we should scarcely find such

* Metrical Lives of Saints. Wharton, Hist. Poet. v. III, p. 11, 12.

phrases as *theodcyning*,* *thiodkongur*,† &c. to denote an independent king; and these are very common.

Judges.

13. Though it is impossible to decide the question raised by Sperling, with respect to the title assumed by Theodoric, it may be observed, one of its conditions is, that the actual word was a barbaric term of power and command. There were two ancient words expressive of power, and both synonymous with monarch. The Alani, says Ammianus, know no servitude, being of a generous stock: they elect judges, skilled by daily experience in the art of war;‡ and he calls the Gothic conqueror *Athanaric*, the learned judge of the Thervingi.§ Both the Greeks and Romans were delighted with the title chosen by this prince, as appears from the address of the orator Themistius, to the emperor Valens: "He is not so much a barbarian in disposition as in language, and is of much greater ability in understanding and prudence than arms. He, therefore, repudiates the name of king, and takes that of Judge; for the former is significant of power, while the latter is attributed to prudence and wisdom."‖ But the first meaning of Judge, (*judic*-are, to judge; *judex*, a judge, Lat.) is connected with the art of war, and appears referable for an origin to the Sanskrit *yudh*, fight, whence *ayudha*, a weapon, and *ayudhika*, living by arms. The title of Theodoric denoted power; that of Athanaric, wisdom. Among all the descendants of the Barbarian conquerors, the word *dom* bears the former signification. *Domari*, in Old Norse, *domere* A.-S., and *doomer* or *demster* in English, are what we now

* In gear dagum	We have learned
theod cyninga	the majesty of kings
thrym gefrunon.	in days of yore.

Beowulf, 2.

† 'Ei ma jall thiod kong kalla than skattgelldur er.'—Never may a jarl who is tributary be called a great or independent sovereign.—*Snor. Edda.*

‡ *Judices* etiam nunc eligunt, diuturno bellandi usu spectatos.—*Lib.* XXXI, *c.* 2. *p.* 478.

§ Doctus Athanaricus Thervingorum judex.—*Ib.* c. 3, p. 479.

‖ Orat. 10, ad Valentem. Gronov. in notis ad Ammian.

Doomers.

call a judge, though the word *doom*, or *doomer*, has a more awful import than the French derivative of *judex*. With respect to this *judex*, Gronovius cites several instances in which it is given as a title to military officers among the Romans; and it is to be regretted that king Alfred has neglected the chapter in Orosius, in which mention is made of these warlike judges.* The Teutonic *dom*, doom, agrees with the Sanskrit root DAM, to tame, subdue, whence *damunah*, a hero, in the epithet of *Sanatakumara*, the "tamer of the Solar steeds."† In Beowulf, *dom* is commonly glory, power, but king Alfred has it in the sense of slaughter.‡ The affinity of *damunah* to the Latin *dominus*, a lord, master; a tamer or subduer (connected with *domare* to tame, in Gothic *tamjan*), needs no further observation. *Doomer*, which is but the same word with another termination, does not appear, in northern productions, to have any relation to war, after the time of Theodoric. It occurs in the sense of the governor of a country,§ as well as in its more recent acceptation; and it is, therefore, an officiary designation. If king Alfred had translated the chapter of Orosius, he must have employed the term *domeras* for *judices*.

Rectors.

14. There was another term given to a sovereign, which corresponds with the account given of the title of Athanaric, this significant word is *rihtar*, modern Germ. *rihter*, the etymology of the Latin *rector*, from *rihten*, to judge.‖ The

* 'Africam strenue adversum judices ab eo missus tutatus est.'—*Oros. l.* VII, c. 42. And the spirit of the Lord came upon him, and he judged Israel rightly, and went out to war.—*Judges*, III, 10.

† In Amera Costra, p. 9, distich 51.

‡ In *Oros. fo.* 34, *b.* "Htessius se geworhte mycelne dom on tham gefeohte." 'Ctesius who wrought great slaughter in the battle.' Nothing of this appears in the Latin, *l.* II, *c.* 8, *p.* 107; and perhaps the MS. should be corrected, *dem.*

§ 'Hann var settur domari ifir oll thang lond er hounm lau i nämd: han dæmdi alldrey ranganu dom: einginn thordi edur thurfti haus dom ad rinfa.'—He was appointed judge over all the lands which lay in his vicinity: he never judged wrong judgments: none dared or needed to break his dooms.—*Hervarar Saga*, c. 1, *fo.* 1 *b.* *Add. MS.* 11,109.

‖ Wachter compares the Vulgate with Notker's version in the tenth cen-

alternations repeatedly made by the chiefs of Thervingians, Burgundians, Franks, Visigoths, and other people in the fourth century, between the titles of king and judge, prove that in their estimation the one was equal to the other in dignity.* Gibbon, in noticing the vaccillation of the Thervingian monarchs, attributes to antient times, the modern notions of royalty: "They renounced," he says, "the royal title, and assumed the more humble appellation of judges;"† but from what has been said of the judges, who were the rulers of countries, commanders of armies, and authors of decrees which none dared to disobey, the comparative lowliness of their station is, at least, a questionable proposition. We are not, in judging of former opinions of the royal state and dignity, to think of the difference between a king of England and a justice of the peace or judge of assize. The loftiest titles in Europe have an exceedingly humble origin, if we contrast the circumstances of the first possessors with those of our own times. Among the free nations of the Germans, their rulers in war were merely the leaders of bands of plunderers by sea and land, whose pay consisted in a share of the booty, and in peace, the managers of their households, and rectifiers of differences among their subject neighbours. Their prime ministers, so to call their principal attendants, companions and advisers, carried their wine skins, scoured their armour, and

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tury, whence it appears that *rihter* corresponds in import with a *landking*, or king of the country, with a prince, and with a judge.

Terribili apud reges terræ.

Ps. lxxvi, 12.

Prutelichemo sament dien rightaren dero erdo.

Vers. Theot.

Reges terræ et omnes populi principes, et omnes judices terræ.
Die lantchuninga unde alle uuerlt linte, und alla rihtara.

Ps. cxlviii. 2.

* In the Litany of Bavo, abbot of Corbey, is a prayer for life and victory to the judges and army of the Franks: "Omnibus judicibus et cuncto exercitui Francorum vita et victoria." These were unquestionably *rihtaren*.

† Decline, ch. xxv, s. 5.

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physicked their horses; their lower servants tilled their lands, and their wives and daughters were busied in household occupations.* The queens of king Half contended for superiority in brewing ale,† a princess speaks of washing her own linen,‡ the queen of Ragnar Lodbrog weaves his shirt,§ and that great monarch manufactured with his own hands, the shag breeches which have furnished him with his surname.‖

Terms for kingdom denote power or people.

15. These monarchs did not measure their power or rather their magnificence by the extent of their dominions, but by the number of their tents and the multitude of their subjects. Their most ordinary term for a kingdom had no reference to territory, but to wealth and power, and their wealth consisted in horses and oxen; and even the Anglo Saxon *kingdom* (cynedom) denotes jurisdiction over a tribe, without the slightest regard to the land occupied by the tribe.¶ St. Amand justly observes that all the European

* Tacit. Germ. 15.

† Sogu Thattur af Alfe k. og Reckum hanns, c. 1.

‡ Thus sang Hervor, the daughter of Angantyr, and ancestress of kings of Sweden, Norway, Denmark, and England:—

Skal thui skiotlega	I therefore will speedily
skort umm bua	dress my hair,
og bleikia lyn	bleach my linen,
enn burt ek fari	and away I'll go.
mikid ei thui	Great space there is not
at morni arla	between this and early morn,
skal mier skiera	when I shall get ready
skirtu og olpu breida.	a shirt and broad cloak.

Hervarer Saga, c. 6, fo. 6.

§ Queen Aslauga, in presenting a consecrated silken vest to Ragnar, says:

Thier ann eg serk enn sida	To thee I give this serk, wide
og saumdann hvorgei	but seamed in no part,
vid heilan hug ofinn	by a faithful mind woven
ur hare smia graum.	from the small gray hairs.

Sagann af R. Lodbrok, c. 14.

‖ Ibid. c. 2.

¶ The Gothic *thiudangardi* is an exception, unless it be contended that the kings court, the seat of his jurisdiction, is intended by that term, and so taken for the extent of its jurisdiction itself, which is very probable.

governments consisted originally of few persons, contained in small districts of land, and within the compass of what we now think hardly sufficiently extended to compose one kingdom, we find many princes dignified with the title of king: thus, not to mention others, we read that there were in Italy, kings of Rome, Alba, Hetruria, &c. And though these and the like states were anciently styled kingdoms, yet if we were to speak of them according to the present acceptation of the word and notions of things, we should rather call them clans or septs; for with respect to the extent of ground, the number of subjects, and the power of superiors, they resemble more the Highland lords in the north part of this isle, or the old Tains in Ireland, than the present lustre or power of kings.* As in Liefland or Livonia, before the emancipation of the serfs, the owner of one hundred boors so denominated, was styled a king, so the Greek and Roman historians assign the same appellations to the rulers of cities and a small tract of suburb; and are imitated in the old poem on the siege of Troy :—

In Colkos ile a cite was
That men called hanne Jonitas,
Fair and mekel, large and long,
With walles huge and wondir strong,
Ful of toures and high paleis
Of rich knyghtes and burgeis:
A kyng that tyme hete Eetes
Governed than that land in pes,
With his baronage and his meyné
Dwelleden thanne in that cite.†

We still speak of the king of this or that tribe of negroes;‡ and when we would understand the notion attached to a title by an ancient people, we should endeavour to ascertain the primary signification of the word by which they called it, taking their own condition at the same time

* Histor. Essay on the Instit. of Engl. ch. I. Lond. 1767.

† Colonnas, Trojan History. Wharton, II. p. 93 n.

‡ "Ut nostrates hodie," says Spelman, "quoslibet apud Virginianos nudæ miseræ plebiculæ ductores, Reges nuncupant."—*Gloss. p.* 187.

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into our consideration. In early times we find earls exercising independent sovereignty, and rejecting the title of king; and therefore, when the leaders of the Thervingi and other barbarians, sometimes called themselves kings, sometimes judges, and sometimes dukes, it is very difficult to say which they deemed the most splendid appellation. The Greeks and Romans were pleased with the title chosen by Athanaric, their Gothic conqueror, because it denoted rather wisdom than power; and the Gothic form of the Alamannic and Frankish *rihtar*, had it descended to us, would have been *raihtja*, from *raihtjan*, to make straight. The Anglo Sax. and O. Germ. *riht*, Germ. *richt*, Engl. *right*, Fr. *droit* (from Lat. di-*rect*-um), have all the same original import of *straight*. Rihtar=Rector, Latin, is a judge ruling as a king.

King. Sir F. Palgrave on the importance of its etymon.

16. On the title of *king*, Sir Francis Palgrave, adopting the erroneous principle of Wachter, Ihre, and other philologists, remarks, that "its etymology is important: because the idea which it conveys, viz. a ruler placed at the head of the state, both in peace and in war, the leader, the legislator and the sovereign of the people, does not appear to have been known to the primitive Teutonic tribes. On the whole, I incline to the Celtic derivation, from *can* or *cean* (head or chieftain). My Celtic friends are strongly unwilling to accept the honour of furnishing the Teutons with the royal title, and I am asked, how came a Celtic word to spread from the Alps to the North Sea, from the Thames to the Danube? An answer may be easily found to this question. The title was diffused by imitation, and it followed the tribes as they advanced. In the days of Ulphilas, and before the Teutons settled on Celtic ground, the word *king* was not employed,* and therefore we possess a

* "*Thiudans* is the term, in the Gothic version, for king: *thiudanassus* and *thiudangardi*, kingdom: the root is *thiod* [*thiud*-a], but the process by which the derivatives are formed are not obvious." I suppose that I do not

chronological proof that the term was not invented until after the age, when the Teutons might have learnt their lesson either in Britain or in Gaul. But can any better solution be offered? Among the numerous derivations from Teutonic roots proposed by various writers, there are many displaying great ingenuity, but not many which possess much plausibility;* and if we compare the laborious efforts made by the learned to establish the Teutonic ancestry of the word with the easy and simple idea suggested by *cean*, head or chieftain, the Celtic hypothesis will gain more by the parallel, than by any argument which can be adduced in its favour."†

17. The Teutons employed their word *head (haufudr*, O. N., *heofod* A.-Sax., *haubith* Goth., *haubid* O. G., &c.) with the ordinary termination *-ing*, or the addition of *man*, as a termination, for a captain who governed a kingdom. They had therefore, the simple idea suggested by *cean*, and had no use for a Keltic word which the bulk of the people would not understand. With respect to the chronological proof on which Sir Francis depends that the term king was not invented until the Teutons had been in Britain or Gaul, it fortunately happens that Ammianus Marcellinus, who wrote about 378, and was therefore a contemporary of Ulfilas, has preserved the very title, borne by the kings of the Burgundians: "Among them," he says,

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understand this remark, for the process is remarkably clear. The termination *an*-s, in which the *s* is the formative or grammatical syllable, answers to the termination *-ing* in Anglo-Saxon, and to *-en*, *-in*, and *-on* in other dialects, and the personal noun is formed from *thiud-a*, a nation. The termination *ass-(us)* in which *us* is grammatical, is equal, etymologically, to the Latin *-or* in *rect*-or, &c., (*-er* Eng. and Germ.); and as to *thiudangardi*, it is a regular compound of *thiudanaus gards*, the *court* or habitation of the *thiudans*.

* "From *konnen*, to be able (Wachter, Adelung); or from *kennen*, to know or to be knowing (Ihre); from *hund* or *chund*, a hundred, the ruler of the *centena*. From *kind*, child; from *cyn*, tribe or kindred, and, with the patronymic, *(-ing)*, the child of the nation (Allen)."

† On the Brit. Commonw. vol. II, p. 341.

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Hendinos.

the king is called by the general name of *Hendinos,* and by ancient custom he may be deprived of his power and removed from his office, if under his administration the fortune of war should be adverse, or the earth refuse its abundance. The Egyptians have likewise this custom of ascribing events of this kind to the account of their kings. The high priest of the Burgundians bears the name of *sinistus,* and is not exposed like the kings to deposition.* This passage, besides its historical value to such as are interested in the progress of the royal title, is highly important to the question at issue between the Keltic and Teutonic derivations. The last syllable of *hendinos* and *sinistus,* is probably the sign of the Latin declension, and to be rejected. If not, *-us* was a Gothic sign of declension as well as Latin, and *-os* may stand for *-us*. In the Gothic Gospel, *sinist-ans* is rulers of people, from *sinista* the superlative of *sineigs,* old; and so *siniste* or *sinistus* may very well have signified a high priest among the Germans, although the word has not come down to us from any other source.† How people with a competent knowledge of the Teutonic dialects, ever came to imagine that the untaught warriors who invaded Europe, bringing with them a vocabulary copious to overflowing, and ample means of forming words by easy and most significant composition, should borrow their most or-

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* Apud hos generali nomine rex appellatur *Hendinos:* et ritu veteri potestate deposita removeatur, si sub eo fortuna titubaverit belli, vel segetum copiam negaverit terra, quemadmodum solent Ægyptii ejusmodi adsignare rectoribus. Nam sacerdos apud Burgundios omnium maximus vocatur Sinistus: et est perpetuus, obnoxius nullis discriminibus ut reges.—*Hist. l.* xxviii, *c.* 5, *p.* 417.

† Goth. SIN-EIGS=SENEX Latin. The old Danish *de seenste,* the slowest, suggested by Sperling as the etymon of *sinistus,* is in the true fashion of discovering origins in resemblances. The idea of conception in *sineigs, senex,* &c. is continuity: Goth. *sin-th,* time, duration. O. N. *sinne,* time; Mod. Ger. *sint,* time; A.-S. *sin,* continual, perpetual:—

"Sin nihte heold mistige moras."	In eternal night he held the misty moors.
Beowulf, 321.	*Kemble.*

dinary terms, sometimes from the Romans, sometimes from the Greeks, now the Jews, and then the Kelts, is an unfathomable mystery. All these people had many words in common, though they might never have heard of each other; and it not unfrequently happens that in the process of comparative etymology, the root of one word explanatory of all like or cognate words, is found to be preserved in only one language; whence the inference is, not that all those words are derived from it, but that the other roots have perished by disuse, or that further researches may discover an older root in some oriental form. This term *hendinos,* preserved by the contemporary of the Gothic translator of the Gospel, and said to be a general name of king, is decisive of the derivation of one title of royalty at least, from *hund* or *chund,* a hundred. If those who have before tried to trace the word king to a Teutonic source, have been, as Sir Francis states, obliged to support their opinion by elaborate arguments, it has been precisely because, gentlemen of weight like himself, reproduce the errors which had previously been refuted, but which continually reappearing, compel the advocates of the opposite hypothesis to advance as many arguments as they can assemble, in defence of a derivation that rests on grounds more probable than the Keltic.

18. There is hardly any proposition in etymology better established than the conformity of the Gothic *hund* with the Latin *cent*-um, a hund-red. The Gothic H=K Greek and consequently Latin, and D=T. Bopp has observed that the Latin *e* deviates in the Tuetonic into *u,* as in the case before us, and as *ten-uis* becomes *thun*-is, A.-S. *thyn,* Engl. *thin.* But we scarcely need to have recourse to a canon, which requires numerous examples to enable it to be immediately adopted. We find *hund* subsiding into the Belgic *hond,* and Teut. *kön,** whence the transition into the

* On the authority of Wachter. It may be observed that the Greek

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Burgundian *hend* is not only easy, but what is found to take place in the Icelandic *hend*, from *hond-ir*, the hands, and in the Anglo-Sax. *hent*-an, to catch, Lat. pre-*hend*-ere, from *hand*, plu. *hond*. With respect to the second part of the word, it it either the Indo-European nasal termination -ING or -INC, with a dialectic syllable of formation *s*, such as appears in the Prussian *kynnonss*,* a king; and so has been mistaken by the scribe for a Greek *-os*, *hendin-os;* or it really is that *-os* and has consequently no power over the radical meaning. The *in*, in that case, is equivalent to the Norse *inn*, in *drottinn*, a lord, and innumerable other words, the Latin *-inus*, *-enus*, *-anus*, *&c.* with their descendants in English, French, Italian; and the Burgundian *hendin-os* in this case, most closely corresponds to the Latin *centen-us*, a hundred(man), and to the Gothic *kind-ins*, the governor of a district. And presently it will appear from the history of the word, that *hendinos* is nothing else than this *centenus*, and, it may be, *kind-ins*.

Kindins.

19. The nasal termination of nouns in a possessive form, which, varied by a grammatical suffix of no importance to the radical signification, is common in all the Indo-European tongues, has already been shewn to be Sanskrit in origin.† Through a mistake of its precise meaning by Selden,‡ the A.-Sax. form *-ing* is mostly considered to be a patronymic at the end of proper names, yet it is no more so than it is in the Sanskrit *dhanin*, wealthy. In further illustration it may be stated, that as *rajni*, a queen, in Sanskrit, is formed from *raja*, a king, with this nasal ter-

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termination of numerals *-konta*, answering to our *-ty*, appears to serve the same purpose as *th* A.-Sax. *hund* preceding numerals above seventy; as "hund eahtatig," *'ogddoekonta*, eighty.

* The ancient seat of the Burgundians was the Island of Borneholm, formerly called Burgenda Holm, the Isle of the Burgundi. From their geographical position, it is not improbable that these islanders spoke, like those of Rugen, a dialect blending the Norse with the German. The word *hend-inns*, if that were the original, would be such.

† See p. 171. ‡ Titles of Honour, p. 600, 601.

mination, so precisely the corresponding Latin *regina*, is formed from *rege*;* but to consider *cyning*, as denoting "the child of the nation," is to attribute to this grammatical syllable, a signification which it obtains only by convention, when joined to the name of a person. It will not account for the words just mentioned, nor for A.-S. *wicing*, a pirate, O. Norse *bandingi*, a captive, *drottning*, a queen, *hofuding*, a captain, *cum multis aliis;* for if it did, we must consider the pirate the child of a bay, the captive the child of a rope, the queen as the child of her husband, and the captain as the son of his head; and yet this etymology appears in a work published under the auspices of the English government.† If Mr. Kemble be right in the root *cyn*, his derivation of *cyning* is the most unexceptionable of all, from an Anglo-Saxon source:—

"CYNING, *m.* (à *cyn*, generosus, à genere), rex."‡

Synonymes of King.

20. The king of the Burgundi, it seems beyond all possibility of doubt, bore the same title as the chief of the hundred, whom Tacitus calls *centenus;* but that *hendinos* is the etymon of king is not quite so certain. In the following varieties of the latter, it will be seen that the radical *t* (Sanskrit *çat*, a hundred) is wanting:—

Lettic	kung	*A. Sax.*	cyning
Esthon.	kuningas	*Courl.*	könnix
Fin.	kuningas	*U. Sax.*	könig
Norse	kunungur	*L. Sax.*	konnig
O. Germ.	kuning	*Belgic*	koning
	cuning	*Norse*	konungur
	chunich		kongur

* The following verses, quoted by Du Cange, notice the Latin termination, where it may be taken for '*son of*':—

"Libertate carens *colibertus* dicitur esse;
De servo factus liber, *libertus:* at ille
Libertinus erit, quem libertus generavit."

Gloss. t. II, *c.* 761.

† Gloss. to Ancient Laws and Instit. of Engl.

‡ Gloss. to Beowulf, *v.* cyning.

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O. U. Sax.	künic	*O. Dan.*	konningur
O. Pruss.	kynnouss	*Swed.*	konung

Etymon of King.

21. It will be remembered that the aldoras were indifferently styled *cyningas*, even in the fifth century, and reason would lead us to expect a correspondence, though only of a derivative or figurative nature, in the radical import of the two titles. So completely is this expectation fulfilled that *cyning* is but the reflex of *aldor*. The Sanskrit *kun'h* (where *n'h* is used for the cerebral *n* of the original), whence *kuni*, in an ancient list of allegorical princes,* signifies primarily to nourish or support with gifts ("*dhapakarane*"), and secondarily to counsel or advise. In Norse, *konur* is a nobleman. *Kun'hing* or *cyning* is the personal attributive of this root, and denotes a munificent cherisher of the people, thus exactly agreeing with the literal sense of *aldor*, *pater*, *fadhs*, and other appellations of ruler already explained. It is not unworthy of notice that the ancient periphrases of a king turn upon the radical import of the word; thus, particularly in Anglo-Saxon poetry, he is the dealer of treasure, the distributor of gold, or the bestower of rings, bracelets, and costly armour, accordingly as the alliteration of the verse may call for the word. So in the ancient gnomic poem, beginning;

"Cyning sceal rice healdan."

The king shall maintain his kingdom,

his function is described to be rewarding merit with liberal gifts:—

Cyning sceal on healle	The king in his palace
beagas dælan.	shall distribute collars:

king Æthelstan, in the poem on his victory over the Danes, is styled,

Eorla drihten	The lord of nobles,
beorna beahgifa	the *bracelet-giver* of his heroes.

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* Vishnu Purana, c. v, p. 390, by H. H. Wilson. *Rita* and *Dhriti* are descendants of *Kuni*.

And in a poem much older than these, when a great king "takes it into his head to build a magnificent palace," the bard seems so impressed with the signification of his title, which was probably traditional, that he finds no other reason for the undertaking than the monarch's desire to have a suitable place for the dispensation of his treasures with a paternal regard for the portion belonging to the people.* *Kundina*, a city, and *kunthira*, able, powerful, are cognates of *cyning*.

The ancients, whether hunters, pastors or warriors, paid little regard to territory, but valued themselves on their own numbers. They universally divided their population into hundreds, with a chief over each. The oldest army of which we have any account was so divided. "And he (Pharaoh) took six hundred chosen chariots, and all the chariots of Egypt, and captains over every one of them."† If for chariots we read tents, or covered waggons, this description, as appears from Ammianus Marcellinus, might serve for one of the Asiatic hordes, who peopled the plains and forests of Europe. The word *herr*, (A.-S. *here*, Goth. *harjis)*, an army, denoted equally a multitude and one hundred persons.‡ After the wanderers became stationary, the term hundred was transferred to the district occupied

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* Him on mod bearn	It came into his mind
thæt heal reced	that he would command
hatan wolde	men to build a house,
medo ærn micel	a great mead hall,
men gewyrcean	which the sons of men
thone yldo bearn	might celebrate for ever;
æfre gefrunnon	and to distribute therein
and thær on innan	to young and old,
eall gedælan	all such wealth
geongum and ealdum	as God had given him,
swylce him god sealde	except the peoples' share
buton folc sceare	and the lives of men.
and feorum gumena.	*Beowulf, l.* 134, *by Kemble.*

† Exod. xiv 7.

‡ Herr er hundred.—*Snorro's Edda.*

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by the HER; and in Scandinavia, it was called *herad.* The whole country from the Baltic to the North Sea was divided into *herads,* which were each the jurisdiction of a *heradskongur*, or king of the hundred. Of such kings there were consequently great numbers. What of this kind was done in one part of ancient Germany was done in all. Tacitus expressly says of the cavalry, that the number was limited. There are one *hundred* from each canton; and that (the hundred) is the very name they are called among their own. And what was originally a mere number is now a title and mark of distinction.* Two or three centuries after this observation was made, we are told that the Burgundians called their king by the general name of *hendinos,* which is the etymological cognate of the "*Centen*-us" in the old German cavalry, and the Gothic *hindins,* a governor. In the ninth century the Esthonians named the chief of a burgh or canton, a king:—"Eastland," says king Alfred, writing from the dictation of a Norwegian traveller, "is very large, and there are many boroughs in it, and in every borough there is a king.† This Eastland included the present Livonia and Courland, where, down to the present time, every possessor of a *len* or fief containing one hundred serfs, is called a *kunningass* or *könnix*, the *cyning* of Alfred, and our *king*.‡ In the language of Letten, the province between Liefland and Sanegal, *kung* is the title of one of these rustic lords. What king Alfred called a borough, his informant must have called in his own language, a *herad* or hundred.

Hunnones

22. Auxiliary or collateral evidence is not wanting.

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* Definitur et numerus: Centeni ex singulis pagis sunt; idque ipsum inter suos vocantur: et quod primo numerus fuit jam nomen et honor est. —*C.* 6.

† Thæt Eastland is swydhe mycel. and thær bith swydhe manig burh. and on ælcere byrig bith cyninge.—*Oros. Cott. MS. Tiber. B.* I, *fo.* 12. *Burh* is here the same as the O. N. *byr*, *pagus*, a canton or cantred.

‡ Mart. Zeiller, Regna Succiæ, Gothiæ, &c. p. 345.

and Hundreders.

The old Germans long understood the word king as the name of the centenary, or president of the hundred. At the time when our Alfred was recording the existence of kings of boroughs, herads or cantreds, Ottfried was rendering the Gospels into Teutonic metre; and where the Vulgate has *centurio,* the Gothic version *hundafadhs,* and the A. Saxon *hundredes ealdor,* ruler or prince of the hundred, he has employed *kuning,* a king.* Notker, in the succeeding century, uses *hunno,* to denote this very *centurio* and *hundafadhs,* and Haltaus proves that the judges of hundreds were called *hunones* and *hunnones.*† These judges were as much military as civil officers. In each of these German terms the Sanskrit root is perceptible, connecting the signification with that of *fadhs* and *ealdor.* With respect to *chunna,* which appears in the Salic Law for the number one hundred,‡ it must be considered rather as an exception to the Teutonic form of the centenary number, than as the etymon of the kingly title, and it might just as well be taken to be the parent of the old English *ching,*§ as that of the O. Prussian *kunningass* or Lettic *kung.* What seems indisputable is that chief of a hundred was sometimes or by different nations called a

* The verse of St. Luke, vii, 23: "And a certain centurion who was dear unto him, was sick——and when he heard of Jesus he went unto him," is translated thus, in the German of the ninth century:—

"Ein kuning geiscot iz in war
Joh fuar ingegin imo sar.
Ottfried. l. III, c. 2, *v.* 5.

A king heard of him for a truth,
and went to him immediately.

† Gloss. *v. Heune.* Eccard explains *hunno* by *centenarius, tribunus,* in his notes on the Salic Law.—*Tit.* xlvi, *n.* 1.

‡ Tit. 80. "De Chunnas," i. e. *de Centenis.* In *n.* 2, "Sexan chunna" is six times 100; *n.* 3, "Septun chunna" seven times 100; *n.* 4, "theu walt (walf) chunna," twelve times 100; and *n.* 7, "tho tocondi wefh chunna," 2500. In *Bouquet, Hist. Francor. t.* IV.

§ Geoffrey of Monmouth, relating the story of Rowena, says, "Accedens deinde proprius, flexis genibus, dixit 'Louerd *ching* woschail.'"—*Hearne, Robert of Gloucester, p.* 117, *n.*

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fadhs, and *aldor*, a *hendinos*, and a *king*, of which *hendinos* alone answers to the Latin *centenus*.*

Multitude of Kings.

If the hundreds were governed by judges, with a centenary title deemed equivalent to king, there were half hundreds which had also kings with a qualifying epithet. Such were the *fylkis kongar*, or provincial kings, who swarmed in Norway before the conquests of Harold the Fairhaired. It may easily be conceived that a title, admitting of almost universal application, and denoting no more than a bestower of gifts, was widely diffused, was borne by multitudes of petty leaders whose generosity alone kept their bands together; and became in consequence of its universality held in very little estimation. This was the actual fact. Not only were hundreds and half hundreds governed by their own kings, but there was not a *wic* capable of manning two or three piratical boats, not a *ness* or promontory, not a neck of land, not a mountain, hill, isle, or islet, which could not produce its own king. Hence we may see the reason that when one of these potentates became of some little consequence in the world by engulfing half a dozen other kings, as the Saxon Egbert did the kings of

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* Of all the derivations of this title, one of Ihre's from the Oriental *khān*, a lord or chieftain, seems the most probable. In that case the radical idea is *dig*, *delve*, (*khan*, in Sanskrit). In this case, *khanin*, who digs, is an irregular formation, the word being *khanaka*, a delver. The termination *aka*, *eka*, &c. is the original of the European *ich*, *icus*, *ig*, &c. and *khanaka* may account for the old Germ. *chunich*, O. Saxon *kunic*, Lettic *könnix*, Low. Sax. *konnig*, and Germ. *könig*; while *khanin* accounts for *hendinos* and the rest with the nasal termination. The origin of the title is directly to be traced to the pastoral state of society, when water for the use of the cattle was an object of transcendant importance. He that first dug a well acquired a personal property in the circumjacent land, and we find this species of title, as well as frequent contests about wells, in the book of Genesis. The *khan* or digger, was the proprietor, the maker of *khanadik*, or dikes, and the owner of the *khanatil* (Arab. herds of cattle, camels and oxen). He was the prince of the country; thus Abraham claimed land from Abimelech : "Take these seven ewe lambs to be a witness unto me, that *I have digged this well*."

the Heptarchy, he found it necessary to his dignity to adopt an additional title. In this way arose the titles of *thiod kongur, theod cyning, folc cyning,* all denoting the king of an entire people or nation, and thus widely distinguishing him from the mob of rulers, who in reality were little more than lords of manors, and captains of roving gangs of marauders by sea and land.

Errors respecting their magnificence.

23. When we find men of erudition like Gibbon and Palgrave, annexing notions derived from the splendour of existing royalty, to the titles of the rude warriors of the Sakasenas, and endeavouring to discover a warranty for the magnificence of these titles in words somewhat analogous in sound, but belonging to languages which those warriors did not speak or understand, it seems necessary to support some of the preceding propositions by historical facts. Of so little significance, then, was the title of king, compared with the ideas which it now suggests, that it graced the names of all kinds of petty chieftains, and conferred the denomination of kingdom upon the people of territories of no greater space than an English parish of average dimensions.* Numerous as were the Swedish *herads kongs* or kings of hundreds, they were considerably exceeded by *fylkiskongs* of Norway, where every lord of half a hundred people, called a *fylki,*† assumed the designation which appears so elevated to some of our historians; and where the lord of several such clans, provided he were an earl and paid no rent, tribute or service to a superior, might style himself king of a nation. All over Scandinavia other varieties and other gradations of kings arose, and from the

* The Helviconæ for instance, whom Tacitus places between the Oder and the Weissel (c. 43), where there were four if not five other petty nations, are reasonably supposed by Wachter to have received that name from *helve,* half, and *kön,* a hundred.

† "Folk eru xl; fylki eru l."—*Snorro's Edda.* This *fylki* is manifestly the Scythian *pulk* or *polk,* which is now the name of a regiment of Cossacks. The relation of *folk, fylki, folc, volk, polk* or *pulk,* and *vulg* (us), is striking; but is an exception to law of transition.

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circumstance, that they were theoretically rulers of one hundred people, and from the actual rendering of *centurion* by *kuning*, it seems exceedingly probable that it was believed to be a centenary title. Besides the king of the hundred, the king of the half hundred, and the king of the borough, there was the *herkong*, war king, or army king, the leader of a band of depredators; there was the *siokong*, *sæcyning*, or sea king, who peradventure might command a fleet of half a dozen open boats: there was the *nessekong* or cape king, whose jurisdiction was confined to the huts, which were scattered over one of the narrow tongues of land that serrate the shores of the Baltic and Northern seas. *Gramur*, the complimentary epithet of a king, which so frequently occurs in Skaldic poetry, has no higher origin than the Sanskrit *grama*, a village, whence *gramati*, the barber and head man of the village.* Every petty chieftain, after the first invasion of England by the aldoras, bore the style of king, proving that in his country the Germans did not forget its signification as leader of a band. When the country fell under the dominion of one ruler of the Saxons, he was fully aware that the name did not comport with his accession of power, subjects and magnificence, or his rank above the kings of the continent, and he, therefore, adopted the eastern title of *Basileus*. There seems to have been an insuperable difficulty in the earlier dialects of the Gothic (supposing it for the moment to have been the parent of the Teutonic languages, of which it was probably only a sister), or in the people themselves, to the admission of foreign titles of authority. The experiment with *basileus*, several times repeated, was a total failure, and *king*, resum-

Gramur, an epithet of King.

* The verbal root *samgrama*, fight, in this language, appears to be a compound, SAM, *cum*, *con*, *col*, *com*, implying conjunction, and *grama*, and so *samgrama*, village contending with village. Hence, as the Scandinavian and Germanic nations praised military qualities above all others, the import of *gramur*, in Norse poetry, may be the Fighter, hero, and still be understood in reference to its connection with *grama*, a village.

ing its former place, contributed to render the same appellation illustrious on the continent.

If proofs of the diffusion and generalisation of the title of king are deemed insufficient, there is yet to be adduced its employment to designate a chieftain of the Hebrides or laird of a clan, so lately as the tenth century. In the History of Hakon of Norway, it is related of Eric Blodöxe, his brother, and predecessor on the throne, that on sailing to these little islands, he found there numbers of pirates and *her-kings*.* "It is evident," says Sir Francis Palgrave, "that the Anglo-Saxon chieftains of minor power, were denominated kings; and hence it may be argued that the title had no particular importance."† No observation can be truer; the title of a degree loses its dignity in exact proportion as the degree becomes more distributed through the population of a country; on which account a numerous peerage is the reverse of an ornament to a state, for there the sovereign has parted with his chief glory as the fountain of honour; since he can no longer confer suitable appellations of distinction on his most deserving subjects. That of king was so very generally diffused, that the command of a single war-boat was sufficient to authorise its adoption.

* 'Sidan for han i Sudreyar, oc voro thar margir vikingar oc herkonungar, oc reduz til lids med Eirike kongi.'—*Saga Hakonar Goda*, c. 4.

† Engl. Commonw. Vol. II, p. 342. The Anglo-Saxons had no scruple in calling the little Danish leaders of clans by this title: thus, in the poem on the battle of Brunanburgh, fought somewhere in England, in 938:—

"Fife legun	There lay
on tham camp stede	on the battle field,
cyningas geonge	five young kings,
sweordum aswefede."	with swords appeased.

In the Sagas, whether purely fabulous or creditable history, a great slaughter of kings is an ordinary result of a battle. Three or four kings with *all* their people fought in the great action on the ice of Lake Vener, in Sweden *(Sagan af Hromunde Greipssyne, c. 6,)*; and when Eric Blodoxe was slain in Northumbria, five kings shared his fate: "oc V konungar med honom."—*Hakonar Goda hins Saga*, c. 4.

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Duke.

Such a monarch was Half, who, in "one ship, new and well furnished," and a crew of twelve men, roved the northern seas with the title of king.*

24. In what manner *king* became a title of greater dignity has been hinted, and may be explained without difficulty. The German chiefs, from the earliest ages, united in time of war, and chose a leader with absolute power of life and death, with the title of *duke*, which runs through all the dialects with very little variation. The force brought by each canton into the field was its *her* or *here*,† the multitude, and the conductor of the allied forces, now an army, was a *togi*, *toga* or *tugi*, a *zoho* or *zogo*, accordingly as the verb to lead, (Lat. *duc*-ere), was pronounced *toga*, *teogan*, or *tuga*, *tinham*, *teon*, (contract. of *teohnian*,) *tiohan*, or *zeihen*, for all of these prevailed among the different nations. On this account the appellation of this army-leader was *hertogi* and *hertugi* in the north, *heretoga* in England, *her*-

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* Pliny describes the vessels of the German pirates to have been single trees, hollowed out, and sometimes large enough to hold thirty men (L. xvi, c. 40). Hence probably these canoes were called *skips, scips, skiffs, schiffs, ships*, all from one root signifying to scoop, to shape. The Greek *skaphe*, and the Latin *scapha*, must be referred to the same origin, as the cognates of the Teutonic terms. The first visit of the Saxons to Britain under Hengist and Horsa was performed in three long ships, holding one hundred men each *(Paul Warnefrid, de Gest. Longob. c.* 14,*)*, and some centuries afterwards, Ragnar Lodbrog made his last descent on Northumbria, in two ships, called *knerir*, a word allied to canoe, but denoting galleys.—*Sag. af R. Lodhbr. c.* 15.

† Fewer than one hundred men would not constitute a Scandinavian *her* in either of its acceptations, a multitude or army, but a still less number sufficed for an Anglo-Saxon *here*. "We call men thieves," says king Ine, "up to the number of seven; from seven to thirty-five, we call a lot, or band, and after that number, an army."—*Law* 12. Among the Bojoarii, or ancient Bavarians, a troop of forty-two shield bearers constituted an army; but the Longobards gave the appellation to a company of four armed men. "Si quis pro injuria sua vindicanda, super quemcumque hominem manu armata, aut cum *exercitu ad quatuor homines*, in vicum intraverit, &c."—*L. Longob. l.* I, *tit.* 17, *c.* 1. The Irish of the present day call any number of soldiers, however small, the army.

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toge in Old Saxony,* *herizoho* among the Franks, and *herizogo* among the Alammanni, whence the present German title of *Herzog*, a duke. The kings of these became the temporary subjects of the army-duke, whose power, unlike their own, knew no restraint. At the termination of the war, the duke surrendering his high office, again became a simple king.† After their admixture with the Italians, the Longobardi, we find, preferring the name of power and preeminence, abolished the title of king, and lived under the rule of thirty dukes. These chiefs subsequently assumed a royal title, but it had no affinity to *king*, for it was that of *rex*, retained in the present form *re*. There seems to be a confusion in ancient writers in reference to these titles, which probably arises from repeated alterations between a king in peace and a duke in war. Jornandes styles Berig, the leader of the first Gothic army, a *rex*.‡ Hermann Contractus says that Tassilo, the first duke of the Bojarii, was created their king, by Childebert, in 594; Paul Warnefrid names him a duke in 596, which is correct.§ The Franks and other people made several changes of this kind in the title of their supreme ruler.

A man raised to arbitrary power, surrenders it with reluctance. Circumstances enabled the Longobardic army leaders to retain much of the influence with the title of duke; but in nations uncorrupted by the example of Italian effeminacy and slavery, the title was laid down with the cessation of the occasion which called it into existence, though it cannot be doubted that after a long war, termin-

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* "Do makede he te hertogen
Hermanne——"
Chron. Rhythm. c. 13.

† Beda, Suprà, p. 28.

‡ De Reb. Get. *l.* 1. c. 4.

§ His diebus Tassilo rex Bajoariorum a Hildeberto constititur.—*H. Contr. ad Ann.* 594. In the *Annales Metenses*, 743, Bajoaria is a duchy; and Eiginhard, in his *Annales*, calls Ogdilo "dux Bajoariorum," *an.* 748, when Charlemagne pardoned his infidelity on condition of his retiring into a monastery.

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ated with success, a portion of power accompanied the leader when he resumed the more humble title of king. He was content with a share of the substance of power, and readily parted with the name. In time, one of our kings, such as Egbert the Saxon, enlarged his dominions by conquest, or by marriage or inheritance, but still bore the kingly style. When such kings united for military purposes, they also chose a leader, but styled him a war king, or a king of nations.* With each success, and each acquisition, the lustre of the title was augmented, and in popular usage, the additional epithet was suppressed, leaving only the principal word *king*.

Captain, Hofding.

25. The process of improving the centenary title, and investing it with so much splendour as to dazzle the eyes of philologists and historians, may be exemplified by an occurrence in Sweden, which abounded in canton or hundred kings. It is related in the history of the Ynglings, that "the kings of Upsala were the chiefs of the kings when there were numerous kings of hundreds; because when Odin was captain of Sweden, they were sole or absolute captains of Upsala, and sat over all the empire of Sweden until the death of Agn,†" who is said to have been murdered by his queen in 260. This passage is remarkable as showing that the supreme title was at one time captain *(Hofding)*, and that a captain governed in Upsala, ruling over the hundred or heradskings, to whom alone this centenary title was attributed. This was continued until 565, when Braut Omund died, and Ingialld, who was afterwards surnamed the Malicious, ascended the throne. On that occasion he made great preparations to celebrate the arval or feast of inheritance, in honor of his father;

* Folc cyning, theod cyning, &c.

† "Vpsale konungar voru æztir konunga i Svidhiod, tha er tha voro mangir heradzkonungar, fra thui at Odhin var hofding i Svidhiod, voro their einvaldz hofdinngiar at Vppsalom sato ofir all Sviavelldi tel thesse

and erected a large and magnificent pavilion, subsequently known as the Hall of the seven Kings. When his preparations were completed, he dispatched messengers all over Sweden to invite the kings, jarls, and other men of note, entitled to march under their own banners.* Of royal visitors there were six, who did honor to their entertainer in the new banquetting hall, and when, towards evening, they were quite intoxicated, Ingialld ordered Folkvid and Hylvid, the sons of Svipdag, to arm themselves and followers, and execute the project previously concerted. They accordingly went out and threw fire into the hall, which was soon in flames, and therein were consumed six kings, together with all their attendants. Such of the guests as attempted to escape, were quickly destroyed with the sword. After this act of treachery, Ingialld readily subdued their kingdoms, and rendered them tributary.

Kings become Jarls.

26. In Norway, a similar fate awaited the crowd of petty kings, still more minute than those of Sweden. Harald Harfagre conquered them one by one, and thus became an *einvalds konung*, a term which implies a king of undivided dominion. Some of them fled at his approach, while others politically submitted. Most of the latter he retained as governors of the districts, formerly their kingdoms, and conferred on them the title of *jarl.* The circumstances attending the erection of one of these jarls or earls are very curious, and are related with great precision. "In the north, there were two brothers, Herlo and Rollo, who were kings in Naumudal (now Raundalia). For three summers they were occupied in raising a mound, which they constructed of timber, and covered it with stone, lime, and mud. When the mound was finished, they heard that king Harold was coming against them with his army, on which king Herlo, collecting a large quantity of victuals and drink, entered the mound or tomb with twelve of his followers,

* "Oc baud til sin konungom, oc jörlom, oc ödrom merkis-mönnum." —*Ynglinga Saga*, c. 40.

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commanding the mound to be closed after them. King Rollo then ascended the mount, where the kings were wont to sit,* and there causing a royal throne to be prepared, seated himself upon it. After this he ordered cushions to be placed upon the seats that were used by the earls, and descending from his throne, and placing himself on this lower bench, he entitled himself an earl. Having thus renounced the title of king, Rollo went to meet king Harold, and surrendered to him all his kingdom, requesting to become his man, and describing all the particulars of his conduct. Then king Harold took a sword and put it into Rollo's belt. Then he fastened a shield round his neck, made him his earl, and led him to his throne. After that he gave him the province of Naumdal, and appointed him earl there over.†

* All business of importance was deliberated on the *haugar*, artificial hillocks or mounds, which were of vast dimensions, and hollow, so that they were used as tombs. Some of them were constructed with windows. In these mounds they were accustomed to conceal their treasures, and hence the severe laws which were enacted by the Northern nations, and also by the Anglo-Saxons against *walreaf*, or plunder of the dead. A lady in *Fridthiof's Saga*, argues with her lover that it is better that the living should possess wealth than the dead, as an encouragement to him to commence pirate, and ransack tombs. The Salic Law "De Corporibus expoliatis," refers to another enactment still more ancient than itself: "Et antiqua lege si (quis) corpus jam sepultum exfodierit, et expoliaverit, wargus sit, &c." —*Tit.* 58, *n.* 1.

† Harallds hinns Harfagra Saga, c. 8. "Northur i Naumudale voru bræthur tveir kongar, Herlaugur oc Hrollaugur: their hofdho veridh at thriu sumur at gera haug eirn. Sa haugur var hladhinn medh grioti oc limi oc vidhum gorr. Enn er haugurinn var algor, tha spurdho their bræthur than tidhindi at Haralldur kongur for a hendur theim medh her. Tha let Herlaugur kongur aka til vist miela oc drick. Eptir that geck Herlaugur kongur i hauginn medh tolf monnom, sidhan, let hann kasta aptur hauginn. Rollaugur k. for upp haug thann er kongar voro vanir ad sitia a, oc let thar bua kongs hasæti, oc settist thar i, that let hann leggia dynui a forpallin, thar er jarlar voru vanir at sitia. Tha velltiz kongur ur hasætino oc jarls sætidh oc gaf ser sialfur jarls nafn.

27. In Scandinavia, as noticed by Sperling, there was a *mey-kongur*, a *may* or maiden king, that is, a queen; and anciently in England the title of king was not exclusively applied to a male sovereign. It is attributed without any qualifying addition, by Robert of Gloucester, to a queen regnant. Speaking of Gondeline, "this sturne wommon," the daughter and successor of Corineus, one of the fabulous kings of Britain, he says,— CHAP. VII. *Queen.*

> "Gondelyn was kyng fiftene ger the
> And hire lord was kyng bi fore hire ten ger and mo."*

After the change in the title of the northern princes from *drottinn*, lord, to king, their wives continued to retain that of *drottning*, lady, so that a Swedish and Danish queen has a title very distinct from that of other ladies of this elevated station. In the German states governed by kings, their wives bear the same title with a feminine termination; and *königin*, a queen, might be regularly represented in English by kingess.† The female sovereign of England has a title which was formerly the common appellation of woman, queen, from the A.-Saxon *cwen:* such also was its signification in old English; in the ballad of *Amon and Mardocheus*, king Ahasuerus determines to marry, and—

> "Of heore kynd the kyng him toke
> A qwene to wyve as telleth the boke."‡

Tha tok Haralldur k. sverd oc festi a linda honom. Tha festi hann skiölld a halz honom, oc gerdhi hann jarl sinn oc leiddi hann i hasæti. Tha gaf hann honom Naumdæla fylki, oc setti hann thar jarl yfir."

* Chron. p. 27.

† Apparently, though not really, from *chunna*, a hundred. Notker has *diu chuningin*, the queen.—*Ps.* xliv, *v.* 10. Tatian drops the aspirate, as "Sundririnu cuningen," queen of the South.—*Harmon. Evang. l.* lvii, 5.

‡ Wharton, Hist. Engl. Poetry, v. II, p. 178. *Quean*, a harlot, is the same word, but in Anglo-Saxon it could not have obtained this signification without the addition of *hor*, as *horcwen*, in the Laws of Edw. and Guth. II, Ethelbert, VI, 7. Horne Tooke's derivation of this word from *hiran*, to hire, is eminently absurd. *Hors*, Gothic, is an adulterer; and *horr*, O. Norse, a concubine. The conceptive idea is perhaps found in A.-S. *hor*, *hora*, *horh*, spit, dirt, filth, whence *horig*, squalid; *hors*, a dirty person, who

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In the Havamal, *Thiodans hona*, the prince's wife, is equally the prince's woman, and the Anglo Saxon *cwen* is no more. The queen, as appears from the Anglo Saxon

Lady.

Chronicle, was sometimes termed *seo hlafdig*, the lady, and the queen is still styled "our sovereign lady the queen." This is very probably, since it is the feminine of *hlaford*, a lord, a contraction of *hlaferding*, a word, if it ever existed, analogous in formation to *drottning*, which the Fins call *druting*.* However this may be, the old English form was *Levedy*.

> " Blessed be thou, levedy, ful of heovene blisse,
> Swete flur of paradys, moder of militenesse."†

> " Ther was joye and blisse inou tho he thuder com,
> Mid the levedi of the castel, dam Maud de Mortimer."‡

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defiles, and so an adulterer. Hence the English *whore*, a woman, at first dirty in person, then in morals. *Hor-cwen*, a filthy woman. In Anglo-Saxon, *cwen* is also fair, beautiful, and hence some have supposed that the *Cwenas* or Samoiedes in Alfred's Orosius were so called because they were fair *(Barrington's Orosius; Dr. Ingram, Inaugural Lecture.)*. It is mentioned here, because it is the same kind of mistake that is committed in the derivation of *cyning*, that is, from the dialect in which it appears without reference to its etymology in others to which it equally belongs. King Alfred wrote what Ohther, the Norwegian told him, and consequently adapted *kuenar* and *kuenaland* to Anglo-Saxon orthography. *Kuenar* may be women, but these people were more usually called *Hunar*, and their country *Hunaland* or *Chunaland*. The Gothic *qino*, Frank. *quena*, *chena*, Swedish *qwinna*, Prussian and Lithuanian *ganna*, have the ambiguity of the Anglo-Saxon, and are cognates of the Greek *gune* and the Latin *cunnus*. *Kania* and *kanya* in Sanskrit, is a young girl, and is obviously connected with the root *kan*, which actively and passively signifies love and be loved; nor is its connection with *kam*, desire, very remote, since an object to be loved is also desirable.

* *Hlafdig*, says Horne Tooke, signifies and is merely *lofty*, that is, *raised* or *elevated*; and he conjectures that it was formed thus, "hlaf, hlaford, hlafd, hlafdig."—*Div. of Purley, vol.* II, *p.* 161. He supposes *hlaf*, bread, to be both the past tense of *hlifian*, which however makes *hlifade*, and the first part of *hlaford*, a lord. As a proper companion, Mr. Henshall's derivation of *hlafdig*, lady, from *love-dy*, a little love, or the beloved, ought always to be quoted with the preceding.

† Prayer to the Virgin, *Harl. MS.* 2253, *fo.* 80, *b.*

‡ Robert of Gloucester, p. 554. So also in Robert of Brunne, p. 128,—

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Dame.

Dam, dame, madame, which last is the proper style of the queen, are supposed to be the Latin *domina,* a lady, in a french dress. *Dama,* in Spanish, has the same meaning, but Junius has shown that in the English of Chaucer, dame denoted mother:—

> Who shall sheld me from shame?
> He that had a maide to dame.
>
> *Ploughm. T.*
>
> Who that dredeth syre ne dame,
> Shall it aby in bodie or name.
>
> *R. R.* 5588.

Dam or dame in this sense, is obviously referable to the Sanskrit root *tam,* to grieve, and signify one that has suffered the pains of child-birth; but dame, a lady, is no doubt *domina; domna, donna,* and dame.

Frau, Fru, Frue, Vrouw.

The Danish *frue* has been employed in the same way as the English *lady,* which is its common translation, to denote a queen: "Frue Hadenad reigned twenty two years."* In Icelandic *fru,* and in Swedish *frw,* an attempt has been made to derive it from Frija, the Goddess of Love; but this etymology will not suit the old Danish *vruuue,* i. e. *vruvve,* the O. Germ. *frow, frouu* or *frovv,* and *vrouu,* or *vrovv*; or the Belgic *Vrouw.* In all these words the *w* is a representative of the Sanskrit *bh,* sounded like *v,* and they are all formed from *prabhuh,* a lord, master, which takes its original from *prabhu, i. e.* who is rich and exists with eminence.

The derivation of this archaic title from Frija, is as old at least, as Snorro Sturlason, who says that she was the most celebrated of the goddesses, and all women of rank and title *(tignar konur)* were styled from her name, *Fröjor,*†

> "Geffrey was ne mo, bot erel of Bretayn,
> And dame Helionore scho wes quen of Spayn.
> Dam Jon was yongest and lady of Cezile
> Ther fader was kyng richest lyvand in alle his whilo."

* "Vruuue Hadenad regerede xxii jar."—*Everhard. de Eccles. Gandesheim. p.* 171.

† Ynglinga Saga, c. 13. Snorro has certainly not copied this observation from any old historical ballad.

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that is *frauen (qu. d. fraus)*, ladies. Ihre observes that in the Rhythmical Chronicle, it was attributed only to one whose husband was entitled to be styled *herr*. The Italian *bravo*, Fr. and Eng. *brave* (taken substantively), are cognates of these words, and a brave man is a leader who has distinguished himself in any manner.

Hofding, Captain, Chieftain,

28. Though the German nations did not call their supreme ruler by any name to denote the head, they still made use of that name to form a title, which in sound and sense is significant of derived power. As the Gothic *haubidh* or *-ith=cap-ut* Latin, the head, so the Norse *haufudingi=capit-an-eus*, Latin, captain, O. Fr. *cheventein*, Engl. chieftain. This name was given to the ruler of a state or country under a superior, but in many cases it is used synonymously with *kongur*, a king.* In Anglo Saxon and German, *-man* takes the place of the termination *-ing*, in these words answered by the Latin *an-;* thus *heofod*man in Ælfric's Glossary, is *satrapas*, a nobleman; and *haubt*man in German, a captain.† It is obvious from the formation of the word that it is the original of the feodal title *capitaneus*, and the "capitaneus regni" or greater baron of the realm, is no other than the northern *hofding*. Spelman speaking of noble feods, called imperial or regal, says that they are held under the title of duke, marquess, earl or other illustrious denomination, and are granted by an emperor or king only. And their possessors are called captains of the empire or kingdom, because they hold *in capite*, or chieftains because they hold *in chief*, that is from the king,

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* 'Eirn hans (Odins) son het Sigurlami. honom fieck Odinn Gardarike, giordest han thar hofdinge yfer.' One of Odin's sons was named Sigurlami: to him Odin gave Moscovy, and he became captain over it.—*Hervarar Saga*, c. 2. For *hofdinge*, the MS. in British Museum, has "kr," king.

† "Cameræ Houetmannorum," in Ubbo Emme (Groning. p. 173) denoted the sittings of the headmen of Groningen, who about 1400 collected the revenues of the fields and suburbs, in the same manner as headboroughs, ("consules,") did those of the city.

emperor, or prince.* Like the Norse *hofudsmadr* and the German *haubtman*, this *hofding* and its double, captain, was as much a military as a feodal title—

> Her companye that was so vayr, hii delde vorste atuo
> In the one Robert Courtehese cheventeyn was ydo.†

Capitainerie.

In French law, *capitainerie* is the government or command of a royal palace, and its dependent territory. The name is also applied to the office of captains of chaces or woods, such as the capitaineries of Fontainbleau, the wood of Boulogne, and others.

Prince.

29. The radical meaning of captain is headman; and a like idea is found in the Norse *formadr*, Engl. *foreman*, German *fürst*, or first man, and apparently the Latin *princeps*, which is our prince, and the German *prinz*. The Romans, during the commonwealth, understood it in the sense of a chief man; thus the *principes* of the Albans and others, became *patres* of the senate, and the term *princeps senatus* denoted but merely the person who had the first rank in the senate, and not its ruler. Under the emperors, even so low as Trajan, and lower we need not enquire, as it is only necessary to ascertain in what sense Tacitus employs the word when speaking of the Germans, we find *princeps* used by Pliny in his Panegyric, in the same acceptation: "Hic regnum ipsum, quæque alia captivitas gignit, arcet ac submovet, sedemque obtinet principis, ne sit domino locus." Elsewhere he says: "Scis ut sunt diversa dominatio et principatus, ita non aliis esse principem gratiorem, quam qui maxime dominum graventur." If this word be the compound *primum caput*, as supposed by Vossius, in his Etymology of Latin, it corresponds partly with *fore-man* and partly with *hofding*, for fore-man is *forma* man, and *hofud (ing)* is *caput*; for the

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* Regni vel imperii *capitanei*, quia in capite tenent, hoc est, a rege vel imperatore, vel principe.—*Gloss.*

† Robert of Gloucester, p. 396.

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Fürst.

Anglo Saxon *forma* and the Latin *primum* are equally due to the Sanskrit *pararum*, first. In Old Norse, *formadhr* (fore-man), is used where we should say prince.* *Fürst*, anciently *furista*, is the adjective signifying *the first*. Sperling says that it was unknown as a title of command in Spain and the north, but common to the Saxons and the Germans.† It was of high antiquity among the Franks and their imitators.‡ Selden says, "The origin of this title, applied to a territory, and making a rank of dignity above the ordinary counts, does not appear; but some conceive it is to be deduced out of such customs as were antienter in Germany than the Roman government. They observe in Cæsar (lib. VI. c. 23.), of the Germans, that 'in pace nullus erat communis magistratus; sed principes regionum atque pagorum inter suos jus dicunt, controversiasque minuunt:' and in Tacitus, 'eligebantur in iisdem conciliis et principes, qui jura per pagos vicosque reddunt. Centeni singulis ex plebe comites, consilium simul et auctoritas, adsunt.' They conclude that the name of *principes* was but translated out of the Dutch, *die fürsten*, at such time as they had not so many distinctions of honour and power as afterwards they had. And in regard that the *hertzogen* (dukes), were of a greater place in Germany than these *paganorum principes* or *fürsten*, and the *comites* or graves of territories, of a less and subordinate to them, thence it is, they say, that even

* 'Thessu samtyda koma austann Asiæ menn ok Tirkiar, og bigdu Nordurland. Odinn formadhr theirra atti marga sonu.' At the same time the men of Asia and Tyre came from the East, and occupied the Northern lands. Odin, their prince, had many sons.—*Hervarar Saga*, *c.* 2. In the *Langfedgatal* it is said that 'Odin var Tyrkia kongur. han flydi fyrer Romverjum nordur hingad.' Odin was king of the Tyrks, and fled from the Romans hither northward.

† De Summo Nomine, konung, *s.* 59, *p.* 79.

‡ Wachter, who quotes Gloss. Boxhorn. *furistun*, proceres.—*Ottfried*, *l.* III, *c.* 20, *v.* 108. "Ring thero furistono," circulus procerum, (*l.* IV, *c.* 5, *v.* 78,); "frides furista," pacis princeps; and Notker "rata dero furston," consilia principum.—*Ps.* xxxii, *v.* 10.

at this day, the title of prince, with the addition of a territory, is less than that of *hertzog* (duke), and greater than grave, whereas in other places of Europe it is above that of duke."* He also observes that *fürst* and *princeps* exactly interpret each other. Such being the signification of the word, the title can have denoted no more in its origin than that the person to whom it was attributed, was—1, the first of the council of one hundred assessors, called *comites* by Tacitus; 2, the first subject of the *baga* or district which Cæsar and Tacitus call *pagus*, and in which he was appointed to administer law and justice; and finally, that he was the first of the nobles beneath the *herzog*, who, as we have seen, was sometimes a sovereign elected by sovereigns to command them and their forces, with absolute power in time of war. In England the title of prince constitutes a dignity in the case of the heir apparent, but is merely a style of address when applied to any other person. As all the members of the royal family, dukes and marquisses are thus complimented, and inasmuch as we use the word in speaking of independent sovereigns, we are very apt to attribute a higher rank to a foreigner with the title of prince, than he obtains in his own country, and consequently higher than he deserves on a just comparison with the nobility of England. Charles V. in an edict respecting composition for crimes, places prince after baron: "Prelate, baron, prince, chevalier." At an earlier date, it certainly ranked considerably below duke and count, for those were titles of persons exercising regal authority in their duchies or counties. "At St. Petersburg," says Sir James Lawrence, "where every one is classed according to military rank, every colonel drives four horses to his carriage; but a prince, if he has no office at court, must content himself with a pair."† Except in the cases already mentioned,

* Titles of Honour, p. 431, 432.

† Nobility of the British Gentry, p. 79.

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and in those of the heir apparent of Spain, who is entitled "el prencepe de las Asturias, d'Espanna or de Navarre," which like Wales, are considerable dominions; and in that of the members of the royal family of France, the *fürsten** and princes of the continent, appear to be on the level of English barons and baronets.

Atheling or Etheling.

30. The title of prince is foreign in England. The Anglo-Saxons called the king's son *ætheling*, but they also called the aldermen and earls *æthelings*. The word means nothing more than a noble family, being radically connected with the Gothic *atta*, a father; yet in a law of Cnute, an *atheling* is ranked above an alderman. We shall see the reason of this apparent irregularity on a short consideration of the Anglo-Saxon titles, which will also enable us the better to understand the ancient dignities of duke

Aldorman.

and count. The etymological import of *aldor*, a chief, has already placed us in a condition to understand the nature of his office, and the history of the title does not confute the idea which it presents. In the Saxon Chronicle, under the year 446, Hengist and Horsa are styled *aldor-men;* and under the year 465, a victory of the Saxons is recorded over twelve native kings, who are also called *aldor-men.* The two first kings of the West Saxons, Cerdic and Cynric, are called aldermen in like manner, under 495. As the successive chiefs settled in the country, they adopted the title of king, which had been rendered illustrious in Scandinavia before the first invasion of Britain. At the same time the title of *aldorman* thus discarded was given to their nearest relations, who were also called *athelings,* held territories under them, and commanded their armies. From the latter circumstance *heretoga* and *aldorman* became sy-

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* The four select Fürsten of Germany, or Imperial princes, are obvious exceptions, since they are real dignities with sovereign power and jurisdiction. The "gefürstete graven," or counts with the title of prince, are excepted by the very circumstance that they are counts, and the title itself means that they are the formost of their order.

nonymous; and hence also in the Latin records of the times, as well as in the histories translated from the Saxon Chronicles, the aldormen are called *principes, reguli, subreguli* and *duces*.* The name of *patricius,* which in primary signification is related to aldorman, was sometimes used to denote a person of this rank. Selden mentions a joint grant from king Alfred and Ethelred, aldorman of Mercland, in which the latter is styled "subregulus et patricius Merciorum." Ælfhere, aldorman of the same territory, is styled *heretoga* of the Mercians; so also it may be observed that in one MS. of the Chronicles, year 446, Hengist and Horsa are called *heretogan.* "And," says Selden, "this title it seems signified them as they had military power, or as *duces* in the more proper and antient sense doth. And the title of alderman denoted their civil dignity in such sense as *senior* or *seigneur* hath done through ages in most parts of Europe." Though the latter observation is founded upon a misconception of the original import of the words, there can be no question that the distinction is just.

Where Beda speaks of *principes, duces,* and *subreguli,* king Alfred, in his translation uses "ealdormen" as their equivalent,† and he translates by the same word the *prætores* and *præfecti* of Orosius.‡ The title of *Eorl,* as will be shown, was synonymous with *atheling,* the synonyme of aldorman, and hence aldormen are frequently styled *comites,* and sometimes *consules,* by Florence of Worcester, Huntingdon and Hoveden, as well as in the attestations and bodies of charters. Ælfric in the manuscript entitled *Liber Festivalis,* a translation of Latin Lives of Saints into A.-Saxon, renders "Comes Cappadociæ," by "ealdormann on thære scyre Cappadocia,"§ alderman of the province of

* Selden, p. 604, p. 605.

† Hist. Eccl. *l.* iii, c. 3. Selden, p. 608.

‡ Cott. MS. Tiber. B. I, fo. 1 *b*, 24 *b*, 25, 36 *b*, 88 *b*, 90, 107.

§ Cott. MS. Julius, E. VII. 'Natal. S. Georgii,' *fo.* 70. Alfred renders the *comes* of Orosius in like manner.—*fo.* 28, 28 *b*.

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Cappadocia. Ailwin, the founder of Ramsey Abbey, in 969, and aldorman of all England, is found styled *half-konung*, or half king, which is clearly Danish, and seems to denote rather a *subregulus* than one king reigning equally with another.

The possessions of aldormen were sometimes the entire territories from which they received their title. Ethelred, aldorman of Mercia, had all that which had been the kingdom of Mercia, as an aldordom and fief given to him by king Alfred, as a marriage portion with his daughter Ethelfleda. In some places, the dignity and possessions were both feodal and hereditary from the first settlement of the Saxons. Such were the two aldordoms of Northumbria, which began with Otho, brother of Hengist, and Ebusa, his son, which were transmitted by inheritance until 567, when Ide adopted the title of king.* After the Saxons had acquired a familiarity with Danish customs, the titles earl and aldorman were indifferently applied to the same person, similarly to the use of count and duke in that age on the continent. It is in this period that we must look for the signification of alderman as the title of a magistrate of London. The title was not merely officiary; it was borne by the noblemen to whom the estates belonged which have since become designated wards of the city. From the earliest times they were by birth and the right of property, the chiefs and rulers of the inhabitants of their respective districts. The court of aldermen is, in fact, the representative of the more ancient mote of the aldoras under a chief elected by themselves to consult for the common welfare of their conjoint estates and subjects. It is for this reason that the customs of London differ from all others in point of trial; for, if the existence of the custom be brought into question, says Blackstone, it shall not be tried by a jury, but by certificate from the lord mayor and

Aldermen of London.

* Selden, p. 608.

aldermen by the mouth of their recorder.* This customary exemption from the operation of the ordinary laws of the land, is owing to no royal favour, but to the *quasi* royal state and power of the aldormen themselves, in their individual and collective capacity at a very distant period, when each was truly "Ealdorman, Baro Caput Tribuum."† Elsewhere the title of earl predominated, and about 1020 that of aldorman became an appellation of office rather than of personal dignity; yet even in the reign of Henry III. we find some faint notions that the civil aldermen were something more than ordinary justices or guardians of the peace, for records are extant in which they are styled "Barones nostri civitatis Londiniensis," and in which it would be as futile to look for a feodal meaning of baron as it would be in the commissions of the barons of the exchequer. The aldermen of other cities and towns derive their title by direct imitation.

Earl. Jarl.

31. The fancy for deducing the titles given by warlike nations to their chiefs, from the names of abstract qualities which can be appreciated by none but people in an advanced stage of civilization, attributes the origin of the military title *jarl*, to *ar*, honour, and to *elle*, old age. The latter has pleased some English writers, who think that the title of earl, resulting from *jarl*, is connected by this means with aldorman, considered to mean an old or older man. A ludicrous derivation of this kind is given in an etymological dictionary of English, in which *earl* is treated as a diminutive of "A.-S. *are*, Ger. *er*, Dut. *eer*, (in English *ere*, whence early), which appears to have meant priority, and thence seniority," and the reader is then referred to Aldorman, which the writer derives from *æld*, the recent Danish corruption of *eald*, old. Others again declare that the Scandinavians borrowed *jarl* from the Greek ερως or the

* Comm I, 70.

† Craig, de Feudis, 736, uses these words, but mistakes the meaning of the first.

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Latin *herus*, between which and the German *herr*, they perceive a close affinity. The editor of Sæmund's Edda suggests an etymon, at once natural and agreeable to the sense in which the word occurs, where it is not employed absolutely as a title of rank.* He conjectures that the old Norse *jara*, bellum, (Engl. war, *jar*), has produced "jarl, *quasi* jaril, bellator," and it may be added, the Anglo-Saxon *eorl* bears a like relation to *eorre*, anger. Thus *eorl* in one passage of Beowulf corresponds with the Eddaic *jarl:*—

Thær genehost brægd	Nearest there brandished
eorl Beowulfes	Beowulf's warrior,
ealde lafe.	his antient heir-loom (sword)
L. 1582.	

In Arabic, *jari* is bold, brave, leading the van in battle, and *jarrar* is both an army and a brave soldier. As a title, there is no doubt that *earl* is the Northern *jarl*, but as a mere word it was used before the Danes had any influence over the language of the Saxons. The reason is to be found in the common origin of the Eastern and European words, which is the Sanskrit *jri*, to conquer, overcome, and this is clearly connected with *jiri*, to injure. As in the Northern languages, an *l* added to certain Sanskrit roots, is found to form nouns of agency, and appellations of persons; thus *kri* + *l*=karl, a workman, *gauri* + *l*=girl, a young woman; so the same thing has taken place in earl and *jarl*. The meaning is obvious, the *jarl* or earl is the man who jars and overcomes, agreeing in this respect with *herr*, *herro*, *hearra*, a lord, one that takes by force; and

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* Thus in the Harbarz Liodh, st. 23:—

"Varek a Vallandi	I was in Valland,
ok vigom fylgdat	and accompanied their wars;
atta ek jöfrom	I enraged their kings,
enn alldri fættak	but never appeased them.
Odhinn a jarla	Odin has the warriors
tha er i val falla	who fall in carnage,
enn Thorr a thrælakynn."	but Thor has the race of slaves.

since distinction and success in rapine and murder have always been highly esteemed, as if man were naturally a robber and destroyer of his fellows, the name gradually became the sole property of the principal warriors, the natural nobility of all savages, for such unquestionably were the ferocious pirates who introduced it into England. *Jarl*, by all northern antiquaries, is considered a modern title of honour.*

In a later age than the composition of the Eddaic poems, *jarl* became a most illustrious title, and superseded that of *kongsson*, king's son, as the style of a prince in the lifetime of his father. This was the use of *etheling* or *atheling* as a title among the Saxons. With *atheling*, *eorl* was synonymous in the earlier times, and in the Laws of Ethelbert, in 597, the latter was applied to a prince of the blood. It was about the reign of Cnute that earl ceased to be used in this sense, and began more generally to supersede the title of alderman. "The authority of Ethelweard," says Sir F. Palgrave, "seems to be conclusive, that in his time the title of earl, if considered as denoting a specific dignity, was not employed by the Anglo Saxons.† But it certainly designated a person of a noble race. This is the form in which it is employed in the laws of Ethelbert, The *earl* and the *churl* are put in opposition to each other as the two

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* Perman notices that it was a proper name, extant upon Runic monuments :—

1. "Hulmfrida lit gera badi bro, oc rita stain istir bonda sin JARL, oc suni sina."

2. "Gridur ock Ulfr their litu hackva stain at JARL fadur sin."

1. Humphrey caused the two brows to be made, and the stones to be inscribed to his bond Jarl, and his son.

2. Grid and Wolf caused the stone to be sculptured to their father Jarl. —*Perm. de Tit.* Graff, *p.* 86. *Ol. Verel in Ind. in* Herauds Saga, *v.* Jarl, *p.* 87, 8.

† "Undecim consules," says he, speaking of the defeats sustained by the Danes, "quos illi *Eorlas* solent nominare, et rex eorum unus. IV. 3. The root of *earl* or *iarl* may also be discerned in ερως, herr, herus. [The root of herr, &c. is *hri*, to sieze by force, *hara*, war, or what siezes upon.]

extremes of society. The laws of the Kentish kings and the traditional custom of the age of Athelstan describe the earl-kind race as the highest order of subjects: they are placed above the ealdormen, and if that last mentioned term be taken in its more usual technical sense, as denoting the hereditary rulers of the smaller tribes, there may be some reason for the supposition that in this particular instance the title of earl denotes the athelings, the immediate descendants of the sovereigns; and the traditionary opinion that the sons of the kings of England were earls by birth, seems like a reminiscence of the Anglo Saxon policy. In the more general sense, however, earlship or earldom was only high nobility; and very long after the title was appropriated by law to a peer of parliament, the yeomen of the north continued to bestow this title upon gentlemen of ancient descent and honoured family. When Johnny Faw,* the Gipsy, is described as earl of Lower Egypt, it is only the same application of the idiom of the olden time.

With respect to the traditionary belief that the sons of our kings are earls by birth, Sir Francis says: "The second sort of earls are earls by birth, and so are all sons of kings of England, if they have no other dignity bestowed upon them. So asserted by Doddington, in his argument on the Bergavenny case, (*Collins, p.* 102). I cannot trace the doctrine higher, but it has every colour of antiquity. Whatever are the rights of the younger sons of the king of England, supposing they are not advanced to the peerage by the usual mode, they are now mere commoners; and if arraigned for felony would be treated by a common jury. But it is difficult to believe that in the old time they were destitute of every dignity and nobility. The great earl of Whitfield, the enemy of Hobby Noble, (*Border Minstrelsy,* I. 245,) was only an individual of a good old family. The

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* See p. 42.

earls of Socburn were gentlemen of the same class, (*Surtees, Durham*, II. 209.)"*

These illustrations are valuable in showing the purport of this particular title, and the origin of titles in general. Johnny *Faw*, in Gipsey language is a chief, a leader,† but in English an earl; and men above the common rank are esteemed earls by the common people, who give them this style. In the idiom of the old time to which Sir Francis refers, it was common to employ such phrases as "jarlar ok karlar," among the Norsemen, and "eorlas and ceorlas," earls and churls, among the Saxons, where we should say princes and peasants. The phrases are manifestly of very high antiquity, and transport us into those remote ages, when it was essential to the existence of a community, that one class should be employed in protecting another, which engaged in those agricultural labours that were indispensable to both *fighters* and *workers*, for such is the etymological signification of this periphrasis of society.

Earls and Churls.

The *quasi* regal establishment of an earl continued to a late period. It is graphically described by Froissart, in his account of a dinner on Christmas-day, at which he was present, in the hall of the castle of the celebrated Gaston, count of Foiz, at Ortez, in Bevern, in 1388:—

"At the upper or first table sat four bishops, then the earl, three viscountes, and an English knight belonging to the duke of Lancaster. At another table five abbots and twelve knights of Arragon. At another, many barons and knights of Gascony and Bigorre. Four knights were the chief stewarts of the hall; the two bastard brothers of the earl served at the high table. The erles two sonnes, Sir Ivan of Leschelle was sewer, and Sir Gracyen bare his cuppe. And there were many minstrelles as well of his owne as of straungers, and eche of them dyde their devoyre

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* Palgrave, Rise of Engl. Commonw. II, Append. *Earls*.

† It is =*fad* in *thiufad*. See p. 41, n.

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in their faculties. The same day the erle of Foiz gave the haraudes and mynstrelles the summe of 500 frankes: and gave to the duke of Towraynes many gownes of clothe of gold furred with ermynes, valued at 200 frankes. This dinner endured four houres." The earl's ordinary mode of supping is then described. "In this estate the erle of Foiz lived. And at mydnyght when he came out of his chambre into the halle to supper, he had before him 12 torches borne by 12 varlettes standyng before hys table all supper: they gave a grete light, and the hall ever full of knyghtes and squyres; and many other tables dressed to suppe who wolde. Ther was none shulde speke to him at his table, but if he wer called. His meate was lyghtlie wylde foule. He had grete plesure in armony of instruments, he could do it right well hymself: he wolde have songes sung before hym. He wolde gladlye se conseytes and fantasies at his table. And whan he had sene it, than wolde he send it to the other tables. There was sene in his hall, chambre and court, knyghtes and squyers of honor goyng up and downe, and talking of armes and of amours, &c." After supper, Froissart was admitted to an audience with this magnificent earl, and used to read to him a book of sonnets, rondeaus and vireloys, written by a gentle duke of Luxembourg. The custom of bearing torches or candles, whence the servants were called *valets de chandelle,* gave occasion to a savage trick played by a feodal lord mentioned by Gregory of Tours. Shakspeare's *candle-holder* is the same servant.*

Northern Earls and Dukes.

Among the ancient Norwegians the *jarl* stood next in rank and power to the king, but towards the end of the monarchy, the title of *heretog* or duke was employed to denote the same kind of person who had previously enjoyed the rank and exercised the power of an earl.† The station

* See Warton, v. III, p. 76.

* In the Sagas, Jarls, exercising independent sovereignty, are often mentioned. "Jarl nefndur Biartmar, han reidhi fyrer Aldeiuborg, ok tho hon bæri ey hærra tignar nafn, tha var ey oryka enn marger kongar." There

and dignity were unaltered; the name only was changed. The earl was second to the king in the provinces which he governed, and which was held to be a king in the king's place. Before the use of *hertog* as a dignity, some of the earls had subordinate earls. Earl Hako had sixteen of these inferior nobles, and he himself must therefore have been a *pro-rex*. This powerful chieftain gave the whole of the Feroe Islands to Sigmund, to be held of him as a fief by the payment of an annual rent, which from the expression in the history of those islands, appears to be the third of the revenues, like the third penny of the English earls.* On the appointment of earl Gutturm, uncle of Harald Harfagri, to the command of the army, he was called *hertoge*,† and this, Resenius thinks, was the occasion of the latter title superseding that of earl. There can be no doubt, however, that earl continued to designate a very high dignity, since it was given to the deposed kings of provinces and to such nobles as were appointed their successors. This use of earl among the Northmen is parallel to its

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was a Jarl named Biartmar, who reigned over Ladoga, and though he bore no higher a title, he was not less powerful than many kings.—*Hervarar Saga*, c. 5, *fo*. 4. Fridthiof, in the Saga which bears his name, rejects the offered title of king in his preference to that of an earl. Perhaps when this Saga was written the latter was less common than king, which was borne by an immense number of petty chieftains of no more account than so many lords of manors.

* 'Eyar alla skaltu hafa i lèn af mer, segir jarl, ok gjalda mer skatta af minum hlutum.' All the islands thou shalt have in fee of me, says the earl, and pay me scot from my portions.—*Færeyinga Saga*, c. 25, *p*. 118. By one of Harfagre's provincial laws the Jarl is to have the third of the rents and taxes for his table and expenses: "Oc skylldi jarl hafa thridhiung scatta oc scyllda til bords oc kostnadhar."—*Haralds II. Saga*, c. 6, *p*. 78.

† 'Gotormur modher brodher hanns giordhiz forstiore fyrir hyrdinni oc fyrir öllum landradhom: hann var hertoge fyrer hyrdhlidhino.' His uncle Gotorm was made president of the court and all the counsellors of the land: he was general of the court (royal) troops.—(*Heims Kringla*, *t*. I, *p*. 76.) In the following, *hertugi* is used as the title of Guttorm. "Haralldur kongur oc Guttormur hertugi."—*p*. 77.

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Anglo-Saxon application, in the first instance to princes of the blood, and then as a substitute for the very high title of aldorman.

Vice-counts.

32. In the reign of Henry I. the Anglo-Saxon *heretoga* had descended to a grade below that of the *vice-comites*, or sheriffs of shires which were not governed by earls,* but the Germans have not only retained but have formed from it the title of *Erzherzog*, a chief or archduke.† The Goths and Vandals, on overrunning the provinces of the western empire, abolished the Roman dignities wherever they settled; but the Franks and others are said to have retained them, and divided France into provinces, giving sometimes the name of duke, sometimes that of count, to the governors. Camden observes that in England during the Saxon times, the commanders of armies were called *duces* after the ancient Roman manner, without any addition; but this ancient Roman manner was also the manner of the Saxons, Norwegians, and other people of Gothic race.

England.

William the Conqueror styled himself, in Saxon, not duke but earl of Normandy; and the title of duke lay dormant in England until the reign of Edward III., who erected the duchy of Cornwall for his son the Black Prince. "As the Lombards in Italy," says Selden, "chose *dux* rather than *comes* for their highest title under the king, so in some

France. Germany.

parts of France, Germany, and other countries (where those Northern nations planting themselves had found the provincial names of *dux* and *comes*, as they denoted governors of provinces), *comes* being apprehended to be everyway, at least as honorable a title as *dux* (it was indeed greater in the old empire), was retained also among such

* Intersunt episcopi, comites, vice-comites, heretochii, trithingrevi, ledgrevi, &c.—*Leges Hen.* I.

† Wachter derives *erz* from *αρχι*, which gives the English *arch*. The Sanskrit root ARCH, signifies to honor; *archita*, honored; hence *erzherzog* is the honored or honorable leader; if not, *erz* is a corruption of *arya*, a governor, from *ri*, to go.

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as were subordinate, as a title of highest dignity, as *dux* in Italy. And oft times both that and *dux* were taken for so much the same, that there was no difference of dignities designed by them."* Though the French retained the names and forms of the ducal government, yet under their second race of kings, there were scarcely any dukes; for all the great lords called themselves counts, peers, or barons, except the dukes of Burgundy, Aquitaine, and France. The last, however, held by Hugh Capet himself, corresponded to the modern *maire de palais*, or king's lieutenant. The governors of provinces, whether calling themselves dukes or counts, seized upon the sovereignity of their charge, and it was with much difficulty that they could be induced to acknowledge the feodal superiority of the king. Gradually the provinces thus violently separated, were united to the crown; but the title was no longer given to governors of provinces, and at length duke became a mere title of dignity, annexed to a person and his male heirs without any domain or jurisdiction over the place of which he is duke. The coronet placed over the escutcheon of a duke, is the only vestige of his ancient dignity and splendour.†

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* Titles of Honour, p. 334.

† VISCOUNT. This modern title does not properly enter into a disquisition on the primitive titles of European tribes; *vicedominus*, *vidame*, and some others have a better claim in respect of antiquity, but they are all fully treated by Selden. Of the first, however, Sir Harris Nicolas, the best modern authority on such subjects, says: "the word had long been used to denote the sheriff of a county, and though the dignity was known in France at a much earlier period, when, like all other titles in that kingdom, it was of feudal nature and attached to lands, it was not introduced into England until the reign of king Henry the Sixth, which monarch, on the 10th of February, in the 18th year of his reign, anno 1440, created John Lord Beaumont, Viscount Beaumont, by letters patent. The words of the creation are "*Nomen Vicecomitis de Beaumont imponimus, ac ipsum insigniis Vicecomitis de Beaumont realiter investimus, locumque in Parliamentis consiliis et aliis congregationibus nostris, super omnes Barones regni nostri assignavimus eidem.*" This dignity was limited to the heirs male of his body, and it is observable that king Henry at the same time granted him the Viscountry of Beaumont in France, which had been forfeited to

Vicedominus, Vidame.

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the crown by the rebellion of the duke of Alençon, and granted by Henry the Fifth to his brother the Duke of Bedford, but by his death had reverted to the crown. The second instance occurred a few years afterwards, for it appears that Henry Lord Bourchier was, on the 14th December, 25th Hen. VI. 1446, summoned to Parliament as Viscount Bourchier, and it is presumed that the patent of creation to that dignity was dated shortly before that writ was issued, but neither Dugdale nor any other writer cite any such patent, but merely refer to the writ as proof that he was so created."—*Synopsis of the Peerage, vol.* I, *p.* lxxi. See also *p.* 77.

Judge Barrington, on 20 Henry VI. c. 9, the order of trial of countesses, &c. for high treason, observes, "By the enumeration of the ranks of peerage in this statute, *duchesses, countesses ou baronesses*, we may correct a mistake of the heralds, who inform us that John Lord Beaumont was created the first English Viscount in the 18th of this king; but it is impossible that the legislature, two years after the introduction of a new order of nobility, should have omitted to enumerate it in the present statute, between the ranks of counts and barons. This new rank was, however, Instituted before the 30th year of this king, as the 31 Henry VI. c. 2, mentions it among other degrees of nobility. In Madox's Baronage, the word *vice-comitissa* is used in a record so early as the time of Henry II.* This Viscountess is styled *de Bello Monte*, and she was probably a foreigner, who had obtained this rank in France."†

An earlier statute than this 31 Henry VI. mentions the male title: the act of resumption, passed in the 29 Henry VI. 1451, excepts John Viscount de Beaumont and Henry Viscount Bougchier, and their heirs, and 20 marks granted to them in their patents of creation, notwithstanding that no viscounts were created in the reign of Henry V.—*Rot. Parl. t.* V, *p.* 221. We see by Sir H. Nicolas, that it is no mistake of the heralds to adopt the authority of the writ of summons, although it may not be easy to explain the omission. In the eyes of a judge, parliament naturally appears to be infallible; but greater blunders than this are said to have been perpetrated by the concentrated wisdom of the country.

* "(*p.* 144.) Marchionesses, indeed, are also omitted in this statute, and there was a Marquess of Suffolk in the 23rd Henry VI. See *Rot. Parl. v.* V. *p.* 73."

† Observations on Anc. Statutes.

CHAPTER VIII.

Titles of Associates or Companions.

1.—GRAFF, reve, sheriff; headborough; borsholder. 2.—Gesidh, gesindo, titles of nobility equal to count. 3.—Leod, a chief; court of the leodes, court leet; court baron; socage tenure; soc, sac; frank firm; sithessocn. 4.—Sidesman; bye laws, burlaw-men; sithesmen, gesidhesmen, sidesmen. 5.—Gisindo, grafio, gravio. 6.—Tungreve, mayor. 7.—Bailiff.

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Graff.

1. From the choice of the title of count, by nobles who had rendered themselves independent of their monarch, and had assumed sovereign power in their own lordships, and from the neglect, or rather indifference, with which they treated that of duke, there can be no difficulty in believing that the superiority of the former was a continuance of its ancient pre-eminence. The word denoted the personal friend or companion of the ruler, while the title of duke was only officiary and temporary until it acquired a permanence among the Longobards in Italy.* A question arises which is not easily solved, and that is, by what name did the Germans in the time of Tacitus, call those counts or companions of the chieftain, who were the occasion of instituting *comites* in the empire? In the age of Tacitus, the word *comites* had not acquired the peculiar sense in which it is employed in speaking of the German nobles, and it is fair to conclude that it was the word which most nearly conveyed the import of the German appellation. If this be not granted, it will not be denied that the Roman endeavoured by the word *comites* to convey a notion of the office, duties, or occupations of the German companions.

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* Suprà p. 224.

In either case the enquiry becomes limited to those words which answer in some respect to *comites*, or are descriptive of the kind of attendance on the king, which Tacitus attributes to the *comites*.

Graff, in German, is the present name of a count, in Swed. and Danish *greffwe*, O. Sax. *greyfe*. Schilter produces the following varieties in old German, *grave*, *grefe*, and *gerafe*, *reve*, which appear to be English and A.-Saxon. In the barbaric codes the word freqnently occurs as *graphio*, *grafio*, *gravio*, and is explained in them to mean both a count and a fiscal judge. *Graffio* is the same title in a charter of Kenulf, king of Mercia, in 796.* Lye and Wachter, resorting to the violence common to the older etymologists, transpose *gefera*, a companion,† in order to make *gerefa*, the A.-Sax. equivalent of the words. Even if this unnatural process had taken place in Saxon, it is little likely that it would also take place in the other Teu-

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* Nec principes nec graffio hanc lenitatem præfatam mutare audeat.—*Mon. Angl.* I, 100.

† There is remarkable testimony that *gefera*, which seems etymologically =PAR Latin, an equal, was applied in the same manner as *fellow*, and that it was not among the Saxons an appellation of dignity, or of office like *gerefa*. After the martyrdom of king Edmund, according to Ælfric's homily on his passion, the heathen fleet-men or pirates, cut off his head and concealed it in the woods, where it was protected from injury by a ravenous wolf. The country people, on finding the trunk, went in search of the head, "crying everywhere, as is the common custom, when they go into the woods, 'Where art thou now, *gefera*?' And the head answered them, Here, here, here."—*Cott. MS. Jul. E.* VII, *fo.* 203. *Gefera* is, therefore, a peer, and after having been lost to the English, has returned through the medium of the French *pair*, from *par*, Latin, but very early with a restricted application, notwithstanding that in Law all men of one grade are said to be peers :—

And if thou were of such lignage,
That thou to me were of *parage*,
And that thy father were a *pere*,
As he is now a bachilere;
So siker as I have a lif,
Thou shouldest than be my wif.

Gower, Cons. Amoris, b. 1.

tonic dialects. And if it did, it would not account for the fiscal appellation of *graffio*, or *gravio*, or the present signification of *reve*, which in the west of England denotes the bailiff of a monor. *Gerefa* is *graffio*, and the direct producer of *reve*, answering in etymology to the Sanskrit *graha*, a receiver, a taker, and, in application to its derivative *grahaka*, a police officer, a constable, a bailiff. Of all these words, the low English *grabber* is the undoubted cognate.* Such being the original import of the word, we see the propriety of its application to the sheriff, the *scyre gerefa*, *reve* or bailiff of the shire, who is "a judge as the keeper of the king's peace, and a ministerial officer of the superior courts of justice, or the king's bailiff."†

Reve.

Sheriff.

What the sheriff is in the county, the headborough may have been within the town, but though *borsholder* in later times was equivalent to this officer, originally, by the signification of his name, *burh*, a castle, and *ealdor*, a chieftain, he must have been a castellan.

Headborough. Bors'-holder.

From this deduction of *greff*, it is evident that none of its cognates correspond to the *comites* or companions of the German princes.

2. The Anglo-Saxon *gesidh* has been mentioned,‡ as corresponding to the *comes* of the Latin writers on the ancient Germans, and it was a title of nobility. A *gesidh* was the companion of his king, he that went with the king on a *sidh* or journey, military or otherwise.§ Sometimes the rank is denoted with the same addition of *man*, that was made to the aldor. Selden says, "Among the miracles of John, bishop of Hexham, about 700, Bede has this title, 'Ut conjugem comitis infirmam aqua benedicta curaverit,' *(Eccl. Hist. l.* v, *c.* 4, 5,*)*, and king Alfred, translating it,

Gesidh, Gesindo.

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* Engl. *grabble*, Germ. *greifen* in *angreifen*, Engl. *gripe*, A.-S. *gripan*, Norse *gripa*, prehendere.

† Blackstone, Comm. I, 343.

‡ In a note on a passage from Dr. Brady's History, IV, 2, and III, 9.

§ The Sanskrit *shidh*, in one class of verbs, denotes to promote welfare, to govern or direct, and in another, to go, to move. Ancient kings and governors held ambulatory courts and councils.

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hath *gesidhmonnes wif* (the wife of the *gesidhman* or count); and in the body of his story, 'villa erat comitis cujusdam qui vocabatur Puch;' the Saxon is, *wæs sumes gesidhes tun se wæs Puh hæten* (there was a gesidh's town, which was called Puch). And in the title of the next chapter, 'Puer Comitis,' is *Gesidhmonnes cniht;* and divers other places there are; but the word *comes* is never translated *ealdorman.*"* The following observations on this title are transcribed from the Glossary to the Anglo-Saxon Laws, published by the Record Commission: "Some of these *gesithas* had land, others had not *(Ine's Laws,* 45, 51). The lands they held were, in some cases at least, not their own *(Ine,* 63, 68). When companions of the king, *i. e.* servants of the state, the lands they held were probably *folk-lands.* In the latter periods of the Saxon history the appellation of *gesith* fell into disuse, and appears to have been superseded by that of *thegn.* The *gesithas* were the same with the *leudes* or noble vassals among the Franks and Visigoths, and both were derived from the *comites* of the ancient Germans. It would seem that the *comites* of the king had the designation of *thegn* before it was given to the *comites* of the inferior chiefs *(Ine,* 45*). Gesithas* might receive grants of *bocland.*"

Leod, a chief.

3. The *leudes* were vassals, and primarily men, like the Anglo-Saxon *leode,* which in the singular, *leod,* is a chief-

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* Titles of Honour, p. 608. Other examples in Beda's History and Alfred's translation of it are in *l.* III, *c.* 14, 22; *l.* IV, *c.* 4, 10, 22. In Beowulf, while, as before noticed, *aldor* is synonymous with *king,* and *earl* is a fighting man, *gesidh* is constantly a noble companion, and *ætheling*:—

Hradhe heo æthelinga	Soon she had
anne hæfde	fast clutched
fæste befangen	one of the ethelings
tha heo to fenne gang	when she went to the fen;
se wæs Hrodhgare	he was to Roger,
hæletha leofost	the dearest of his heroes,
on gesidhes had.	in the quality of a gesidh.

L. 2588.

tain. This first sense of *leode* is derived from the Gothic *lauts, homo.** *Leod* is found in the compound *leod-cyning*, and it often occurs in its simple form:—

Him tha ellen rof	Him the famed for valour,
andswarode	answered,—
wlanc Wedera leod	the proud prince of the Westerns,
word æfter spræc.†	words afterwards spoke.

One does not exactly see how the change of number should reverse the signification of this word. Respecting *sidhesocna*, the *socn* or manor, with its jurisdiction held by a *gesidh*, the writer of the Glossary just quoted, says, "As the kings and great men rose in rank and importance, their retainers gradually exchanged the title of *gesith* for that of *thegn*. Some districts, it is probable, were withdrawn from the hundreds before this change of appellation became universal, and remaining still privileged jurisdictions, retained the name of *sithesocna* after the *gesith* or *sith* had lost the name. It appears from Dugdale's Warwickshire, that so late as the time of Henry II. there were three of the present hundreds still called *sithesocn*.—*Allen's Inquiry, p.* 149." The tenants of the *sidhesocn*, were the *leode*, and the court of the manor was thence denominated in after times the *Court Leet;* but the same tenants were also vassals of the *gesidh*, and denominated *socmen* and *sidhesmen*, according as reference was intended to the chief or his jurisdiction. The *gesidhas* became *thegns*, and the *thegns* under the Norman received the name of *barons*, whence the court of the original *gesidh* was then called a *court baron*. Mr. Whitaker, illustrating his observation that "in the feudal polity of England, the whole kingdom and a single barony were exactly the mirrors of each

Court Leet.

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* Mr. Wining gives the following line of cognates; *Sclav.* liudi; *Lithuan.* liaudis; *Lett.* and *O. Pruss.* liaudis; *Goth.* laudeis; *O. H. Germ.* liuti. The conceptive idea seems to be that of union, society, close affinity. Sanskrit *li,* in infin. *latum* s. *letum,* to embrace.

† Beowulf, *l.* 679.

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Court Baron.

other," finds the court baron to resemble the feodal parliament in its constitution. "The baron," he says, "held a court, at which all the vassals were obliged to attend, and he presided as the judge, and they assisted as the jury. But the vassals who attended were only the feudatories of the chief, the mesne lords, or the frank tenants who held under him. They and they only were the members of the court; in their presence were the acts of it executed, and by their assent were they ratified. And in this judicature and with the concurrence of these members was that legislation executed by the baron, which was the incident equally of the baronial and parliamentary court, and those laws were enacted which exist to this day in the variegated customs of the different manors. Such also in every part would be the parliament of the king. The vavasors were obliged by their tenures to attend the little court of the barony. And the barons would be equally obliged by theirs to attend the court baron of royalty. The former were bound to act as assessors with their lord on causes that arose among the tenants of the manor. And the latter would equally be bound to be assessors to the king on all that emerged among the tenants of the crown. The former were empowered under the direction of their lord to make laws for the regulation of the barony, and the latter must have been privileged under the control of the monarch to make rules for the government of the kingdom. The one judicature was called the court of the baron; the other was denominated the court of the king *(Ingulf, f.* 501, 502)."*

Socage Tenure.

As socage tenure, since the abolition of the feodal system, has absorbed almost every other description of holding, it may not be useless to examine a term, which the great writers on English law have been obliged to receive with erroneous interpretations. "I cannot," says Blackstone,

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* Hist. Manch. v. II, p. 170, 1.

who is thoroughly persuaded that the tenure "is a relic of Saxon liberty," and is not debased by a connexion with plough service, "I cannot but assent to Mr. Somner's etymology of the word, who derives it from the Saxon appellation, *soc*, which signifies liberty or privilege; and being joined to a usual termination, is called *socage*, signifying thereby a free or privileged tenure. This etymology seems to be much more just than that of the common lawyers in general, who derive it from *soca*, an old Latin word denoting (as they tell us), a plough; for that in ancient time this socage tenure consisted in nothing else but services of husbandry, which the tenant was bound to do to his lord, as to plough, to sow, or reap for him."* The learned judge argues that this description does not agree with the nature of socage tenure, which in the older law books was termed *fraunke ferme*, and which was a tenure by fealty without any base service. This word *frank*, which occurs in German and French, is understood to mean free. *Franca*, the only word resembling it in Anglo-Saxon, is a kind of spear or lance, and so far seems to be independent of the other. Properly *libre* in French, and *frei* in German, answer to the A.-Sax. *frig*, and English, and *franc*, in this sense, is foreign, or rather this sense of it is secondary and derivative. It is manifestly the Gentile appellation of Frank, which has before been mentioned as probably the Sanskrit *prangch*, eastern. Its earliest appearance is in an antient itinerary, quoted by Schildius, where it was given as the second or alternating designation of the Chamavi, a people who dwelt south of tribes between the Elbe and Ems.† Afterwards *Francus* is mentioned by Ammianus, Eutropius, and some other writers about the decline of the Roman empire; and it is not improbable that the Anglo-Saxon

Frank Ferme.

* Comm. II, 80, 81, &c.

† "Chauci, Ampsivarii, Cherusci, Chamavi, qui et Franci."—*De Cauc's, l.* II, p. 48.

franca was so called because it was the same kind of weapon as that used by the Franks.

The Franks, "thi Francken," which Schildius tells us was the same as if they had been called *liberti,* were not more free than any other German tribe, and for that very reason, it is unlikely that the Chamavi would be designated by a term, which must necessarily be ambiguous and obscure. It had not acquired the sense of the vernacular *frei* in this age, and we shall look in vain for *franc,* or *franck* in the sense of free, before the gentile appellation became contrasted with that of the provincial Romans of Gaul, when Romanus denoted one that was not admitted to render free services to the state as the condition of his tenure of land. To possess Salic Land was itself a title to nobility, and they who lived under Salic law were Franks, the only freemen in the country; Salic land and frank-land were convertible terms; and when the Normans came into England, they found that their "franc fief" answered to the Anglo-Saxon tenement of a socman. Hence *frank* in the different languages acquired the signification of *free,* and socage tenure came to be denominated *fraunke ferme.*

It has been seen that *sucken* is the jurisdiction of a *Fawd* or *Fowd,** and it is unnecessary to add that it is the same as *socn,* more recently *soken* and *soke,* the jurisdiction of a *gesidh,* technically *sidhesocn.* Mr. Kemble, with all deference to him, seems to err in considering it a derivative of the Anglo-Saxon. Under the word "Socn, visitatio," he says, "Probably this word and *secean* (to seek), should be placed under *sacan* (arguere, increpare), from whose preterite, *soc,* they are derived." *Socn* is social intercourse; Sanskrit *sakna* and *saknu,* a speaking civilly or kindly; so *sakhi,* a friend, *sakheya,* friendly, social; *sakhya,* friendship, are words to which the Latin *soci-us,* a companion, and *societas,* may be referred. The root of

* Suprà, p, 137, n.

these words is SAK, be able. There is another class of words formed from the root SHAH, to be able; as *sahaya*, a friend, companion, one able to assist; *sahayata*, and *sahayatwa*, society. *Socn* or *sokcn* is, therefore, not only friendly communication, but mutual assistance, and as a technical term for jurisdiction, strongly significant of the fatherly care of a German or Saxon chief, and the free intercourse which existed between him and the people.

With respect to the word *sac*, which old lawyers say, signifies as much as *causa* in Latin, and which indeed may denote a cause arising in a soke, it may be left for consideration how far it is connected with the Sanskrit *sakh*, to acquire, to gain, and so in reality be the term given by the Sakasens to the land held by a soc-iety in common.* In the latter case the socmen are the *sakyah*, or friends in occupation, and mutual assistants in everything relating to the *socn* or society; for that all these words are connected by a prevailing idea of conception can be doubted by none but a minute grammarian.† It is not very improbable that what Tacitus calls a *pagus* was *socn*, for it was governed by a *gesidh* or a *gisindo*, who was elected by the people to administer right and justice.

The original *socmen*, it is evident, held their land on a condition of equality among each other, and were bound only to observe the laws established by their appointed *gesidh*; whence arose the terms abovementioned, *sidhesocna*, *gesidhes-socna*, meaning the jurisdiction of that nobleman. A cause of dispute arising in the *socn*, was called a *sac*, which is manifestly so connected with the verb *sacan*, to contend, to plead against, as to require no observation, that verb being probably referable to the Sanskrit terms above.

The laws enacted by the *gesidh* and his *sidhesmen*, or

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* Tacit. de Mor Germ. c. 16; and Cæsar, de Bell Gall. *l.* vi, c. 2, *l.* iv, c. 2.

† *Sakha*, a friend, assistant, companion, and its related terms are derived "from *sa*, for *samana*, all (the world), and *khya*, support." *Sag*, to cover, whence *sagocha*, being of one family, of kin, related, is much more natural.

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assessors of whom Tacitus speaks, were denominated from the earliest period *bellagines*,* the *lagan* or laws of the *bylle*, equivalent to the Latin *villa*, and like it a retention of the Sanskrit *palli*, a village, place, or station. Of the primary meaning of *law* (Lat. *lex=legs, leg-is*, A.-S. *lah, laga*, Isl. *lag, laug, log*), several opinions have been given. The most common is, that it is derived from *legere*, to read, and its meaning is consequently stated to be that which is read; but people had laws before they knew how to read. And as *legere* itself corresponds with *lagan*, to lay down, its classical signification is secondary, and derived from the *law*, which is read. In this sense of a thing appointed, the preceding terms agree with the modern German *gesetz*, a law, an ordinance, a thing set down or appointed. The laws of a place, differing from general laws, were termed by the Northmen, *bya-lagas*, and in modern English *bye-laws*, the laws of the *socn* or district. In Scotland they are denominated *burlaws*, or *byrlaws*, of which Dr. Jamieson says that they are made and determined by consent of the neighbours, elected by common consent in the courts called *Burlaw Courts*, and in which cognition is taken of complaints between neighbour and neighbour. The men so chosen are called *Burlaw Men*. In Icelandic *burskap* is the right of citizenship, and *bursprak* the place of assembly. 'Uppa burspraket tha herrar ginge (? gingo.),' the noblemen went into the senate (*Chron. Rhythm. Ihre, v. Bur.*). The Icelandic word *bya lag*, signifies laws of villages or townships (*Von Troil's Letters, p.* 115).†

Burlaw. Men. Burschap.

4. The vassals assisting in the court of the baron, the successor of the *gesidh*, are often mentioned in ancient records as *Judices curiæ*,‡ but of their original name the only remembrance is preserved in the English *sidesman*,

Sidesman.

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* Jornand. de Rebus Get. c. 12.

† Etymol. Dict. v. Burlaw.

‡ Testa de Nevill', passim. "Duodecim judices," in the Laws of Hen. I. c. 6.

defined to be the assistant of a churchwarden. All our lexicographers, except Dr. Richardson, who omits it altogether, consider it as formed of *side* and *man*, and they explain it to be assistant or abettor. Dr. Jamieson, on the word *sydesman*, observes that "*syde*, as conjoined with *man*, is evidently used in the sense of the Teut. *sijde*, pars, factio." This meaning of *sijde*, however, is only secondary, and furnishes no other notion than the present English form of the same word, in its secondary acceptation of part or party. *Sider*, employed by Sheldon, is the regular English name of an abettor. "Such converts," says this writer in 1616, "are sure to be beset with diverse sorts of adversaries; as papists and their siders."* This application of the word arises from the use of *side* as a verb:—

—In any country, friend,
Where I have sided with my superiors.†

According to Dr. Webster there is the authority of Milton for *sidesman* as a party-man; but does not this proceed from a misconception of its etymology? In all other cases, *side* forms true compounds, such as *sidewind, sidebox, sideboard*, and *sidesaddle*, to which may be added the Scottish cantword *sidedish*. A whole people is never guilty of a solecism in language, and there must have been an original reason for the appearance of *sidesman*. The office of a person so called seems analogous to that of the *sidhesmen* in the court of the *sidhesocn*; he is annually elected to assist the churchwardens in their inquiry and presentment of such offenders as are amenable to the spiritual court. When the *sidhesocn* became a barony, the vassals who assisted in the court were called the *jurymen* of the court baron or the court leet; but as the same persons were also the assistants of the churchwardens, who were usually ecclesiastics, it is not improbable that the original

* Mirror of Antichrist, in Dr. Richardson.

† Ford, Lady's Trial, Act I, sc. I, *Ib.*

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name of *sidhesmen* adhered to them. Dr. Jamieson has an extract from an instrument of obligation, copied from the *Memorie of the Somervilles* (Vol. I, 234), in which *sydesman* appears to bear much of its ancient signification :—

"Be it kend, &c. me, Thomas of Killpatrick, laird of Closseburne, and sydesman to ane honourable lord, John Lord Somervill, for all the dayes of my life ; and obleidges and binds me to the said lord, be the faith of my body."

Gisindo.

5. Probably about the time that the Saxon *gesidh* adopted the title of king's *thegn*, the *gisindo* of the Germans became a *graff*, taking that title from the jurisdiction which he exercised over his township or hundred, as a judge. The former title had a military origin, while the most ancient monuments of the latter bear testimony to its civil import. Paul Warnefrid especially notices that the Bavarians called a *comes*, i. e. a *gisindo*, by the title of *gravio ;** and in the Ripuarian code, *comes* is pointedly distinguished from *grafio*.† Were it not for the evidence of Tacitus, that the prince's companions were the persons sent to administer laws in the territories committed to them, with the aid of one hundred of the common people for assessors, it might be supposed that two different grades were implied by these terms. In one of the Ripuarian Laws, both words are used, and *comes* is given as the interpretation of *grafio*, a fiscal judge.‡ With respect to the distinction just mentioned, it should be noticed that by the terms of the law, the *comes* residing *in judicio*, in his province, appears to be considered to be superior to the *grafio*, who as a fiscal judge had no constant abode. At this

* Hic (Alachis) dum dux esset in Tridentina civitate, cum comite Baioariorum, quem illi gravionem dicunt, qui Bauzanum et reliqua castella regebat, conflixit, eumque mirifice superavit. — *De Longob. l.* v, *c.* 36, *p.* 193.

† ——Jubemus ut nullus optimatum Major domus, Domesticus, Comes, Grafio, Cancellarius, &c.—*Tit.* 88.

‡ Tit. 53. "*De eo qui* Grafionem *interfecerit.*—I. Si quis *Judicem Fiscalem*, quem *Comitem* vocant, interfecerit, sexcentis solidis mulctetur."

time, therefore, there were a count judiciary and a *grafio*, a name which by no means denotes a count, but a fiscal judge. When the title of *gisindo* was relinquished, and that of *greve*, grave, and latterly *graff*, was assumed, it must have been in consequence of the conjunction of the two offices in the count judiciary.

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Tungreve. Mayor.

6. There can be little or no doubt from the signification of the title *tun-greve*, that though it latterly denoted no more than bailiff of a manor, the person who bore this appellation was the principal officer of the town, and what is now called a *mayor* in corporate towns. In the usual way of conjectural etymology, Wachter fixes upon the Keltic *maer, villicus,* which appears to mean both a husbandman and a steward of a city; and he quotes the opinion of Goldast, that a great number of German nobles sprang from this class.* There is no doubt a correspondence in the Keltic *maer*, Germ. *meier*, Low Lat. *major*, Fr. *maire*, which may perhaps be accounted for that in Arabic, *mar*, signifies a great lord. *Mayor* will then denote the lord of a town, and the etymology explain why some are termed *lord-mayors*; while *mayoress* finds an exact counterpart in the *majorissa* of the Salic Law.† A Saxon *tun* appears to have been what was afterwards termed a *manor*; and where any considerable number of houses stood upon the manor, that portion having the *tungreves* court, retained the name *tun*, a town. Hence, in old English, the lord of a manor seems to be equally denominated lord of the town:

> Erles and barons, bishops plenerly
> Knyghtes, lordes of tounes, and alle com to his crie.‡

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* "Villici majores et απλως majores, Alamannis etiamnum Meyer, erant rusticarum possessionum et villarum administratores. Erant autem villici isti majoribus ab initio ex plebe et vulgo; postea progressione facta, cum a dominis suis, non principibus tantum, sed vero baronibus et nobilibus, prædia in beneficium sive feudum, ut juris-consulti loquuntur, accepissent, eo titulo etiam nobilitatem sibi vindicare cœperunt, quo ex fonte infinita nobilium profluxit multitudo."—*De Reb. Alaman. t.* II, *p.* 115.

† Lex Sal. tit. xi, *n.* 7.

‡ Robert of Brunne, p. 279.

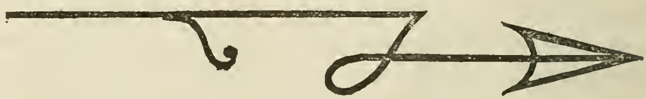
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On every Rajpoot estate, there is a *mer*, a kind of *maire de palais*, who has military command over the vassals.

Bailiff. 7. The *bailiff* is an officer whose name bears the odor of antiquity; it is used as a translation of the Saxon *gerefa*, in the sense of governor of a province, and sometimes it seems to correspond with the *gravio* of the Franks, and the *thiufad* of the Visigoths. In old English, *baly* is the jurisdiction of a *bailiff*, who was often high in rank and official employment:—

> "Sir Jon of Warenne, he is chef justice,
> Sir Henry Percy kepes Galwaye.
> These two had baly of these londes tueye."*

This term has been derived from the Latin *bajulus*, whence it is said comes *bailus*, a judge or governor of a district; but *bailus* is the same word as *bailli*, or *bailiff*, and *bajulus* among the Romans was a porter. The derivation, however, may be collaterally correct: the *bailiff* was no doubt so called originally from being the bearer of the prince's *bhala* or lance, as the ensign of his deputed authority. At the present day, the *bhala*,



is the sign manual of the hereditary premier of state of Mewar, in Rajasthan. It is to this most ancient custom of delivering a lance or spear in the way of commission, before the invention of writing, that we find rods, wands, batons, and other instruments used to denote the possession of office. The *botwand*, says Dr. Jamieson, is a rod such as officers, and especially marshals, used to carry in ancient times among the Gothic nations, where the men capable to bear arms were summoned to attend their general, a messenger was sent, who with the greatest expedition was to

* Robert of Brunne, p. 280.

carry a rod through a certain district, and deliver it in another, and so on, till all the quarters of the country were warned. This rod had certain marks cut upon it, which were often unknown to the messenger, but intelligible to the principal persons, to whom he was sent. These marks indicated the time and place of meeting. The rod was burnt at one end, and a rope affixed to the other, as intimating the fate of those who should disobey the summons, that their houses should be burnt, and that themselves should be hung. This was called in Su. G. *budkafle*, from *bud*, a message, and *kafle*, a rod.* The more ancient custom, which is noticed by Ihre and the Swedish antiquaries, was strictly analagous to the Asiatic *bhala*, consisted in sending round an arrow, called the *herör*, or arrow of war, as indication to the feodatories to arm their vassals, and attend the chief to the field.

The bearer of these missions may have been termed *bailiff*, and thus *bajulus* have come to denote a porter or servant among the Romans. In like manner the person honoured with the lance or *bhala* of power, was certainly so called from that circumstance; and thus in subsequent times he that was commissioned by the prince or great man to act in his stead, was called a *bailiff*, although he had neither lance nor rod to denote his authority. In old German, it is to be noticed that *stab*, a staff, or a letter, also signified judgment, possibly because a staff was the ensign of a judge.

Apparently the *bailiff* was the *Missus Regis* of the Germans, there being no equivalent term in Latin, except *bajulus*, which had acquired too mean a signification to be applied to an officer entrusted with superior authority.

* Etymol. Dict. art. *Botwand*.

CHAPTER IX.

Household Dignities and Offices, high and low.

1.—PALATINE or PALACE COUNTS. Origin of the names of buildings, &c. 2.—Palace. 3.—Tower, Castle. 4.—Comes palatii; henchman. 5.—STEWARD, spencer, larderer. 6.—BUTLER, pincerna, bouteiller; skinker; byrel; seneschal; tapster; dapifer; dishbearer. 7.—Graff, greve, gerefa. 8.—MARQUIS, banner lords. 9.—Lords Marches. 10.—Senior, senhor. 11.—Constable and Marshal. 12.—MARSHAL, horse keeper; horse page, horse knave, avenor, hostler, farrier. 13.—Treasurer. 14.—Commodore, Ducarius, admiral; Valvasor.

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PALACE COUNTS.

1. In attempting to ascertain the import of primitive terms, it would occasion error to forget that languages were spoken before men had made any considerable progress in civilization; and that the appellations which they gave to the objects of their necessities and conveniences in their rudest forms, remained unchanged when those objects had received improvements and embellishments, because the latter were only occasional and of gradual growth. The block of wood or stump of a tree, which served for a seat, was called a stool, from its firmness and solidity, and when in a subsequent age, it was modelled into a stately chair, and decorated with purple and gold for the monarch, it was still called a stool, (*stol*, a stool, a throne), a name which now adheres only to the rudest form of a seat. To illustrate this by other familiar examples would be superfluous, if the examples themselves did not also conduce to a knowledge of the subject under inquiry.

Men were compelled to seek for shelter from the inclemency of the weather long before the invention of the art of building. They were huntsmen and herdsmen, and they clad themselves in the skins and hides of beasts; or they

were husbandmen, and fashioned garments of leaves and bark. The same substances employed on a larger scale, served for the construction of permanent as well as temporary shelter or retreats; and what is not extraordinary, the names of the materials suggested the appellations of their dwellings, and are the original of the words in present use for the very same purpose.

Spreading a skin, called in Sanskrit *twak* and *twach*, from tree to tree, Sansk. *kuta* and *kutha*, the Sakasen hunter contrived a temporary *hut* with a *thatch* or roof. When this became his constant residence, he called it *kuti* a house, a *hut*, Germ. *hütte*, and probably covered it with bark of trees, also called *twak* and *twach*. This is the first idea of the Latin *tego, tectum*, the A.-Sax. *theccan*, to cover over, *thecen*, a roof, the Iceland. *thakka*, Germ. *decken*, *dach*, and English *thatch*. Or he covered it with dry leaves, *uda*, and called it *uttaja*, a cottage; or his thatch consisted of meadow grass, *ghasa*, which originated the Latin *casa*, explained to be a house of leaves, the Germ. *haus*, A.-S. and Icel. *hus*, Engl. *house*.

More majestic dwellings were constructed with *salas*, branches of trees, apparently larger than the *kuta*. At all events a house of this kind was called *sala*, the A.-S. *sal*, and Icel. *salr*, a hall or palace, Germ. *saal*, an upper room, Fr. *salon*, and perhaps Engl. *soller*. The Gr. *aule*, Lat. *aula*, a hall, and the Goth. *alh*, a temple, usually classed with these words by etymologers, who ought to know better, are the Sanskrit *alayam*, a hall, of which the meaning is contained in *Aldor* and its cognates. Cutting down trees, they made beams (Sanskrit *bhim*, a prop), and working still more elaborately, they called the house, not from its materials, but the pains bestowed upon it; and thus came the Latin *domus*= (Eng.) *timber*= (Germ.) *zimmer*. The Greek *demos*, a house, *demo*, to build, and Goth. *timrian*, are radically the same with the preceding, from the Sanskrit *tam*, to subdue and place in order.

Acquiring a greater degree of skill in architecture, men

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united together, and with huge blocks of unhewn stone (O. N. *hallir*), they erected the gloomy *hall*, of which the earliest notice places it among rocks and fells, with a dark path to it:—

" Reid hann meir thadan	Thence farther he rode,
myrkvann veg	by a darksome way,
heilig fiöll	up snow-capt hills,
unz at höllo kom."	till he came to the hall.

Rigsmal, v. 37.

When a number of these dwellings were got together, a *villa* was formed, in Sanskrit *palli*, Norse *byle*, a little habitation; A.-S. *bol-d* and *bol-t*, a house, a village. Some surrounded the *vill* with a circular fence, *hof*, in Germ., and *hoppa*, in A.-Sax., a hoop, etymologically, though not in sense, corresponding with the square formed *cubus* of the Romans. The German *hof* gave name to the royal residence in after times; but some named the *vill* from the materials of the enclosure or fence; in Goth. *gazds*, a goad, equivalent to the Latin *hasta*, a spear; and *gazds* is the same word as the A.-Sax. *geard*, a yard, Norse *gardr*, a city, a region; and *gorod* in the termination of Novogorod and the names of other cities. The *gardr*, like cities in general, was a fortification; and other Scandinavians calling the stakes, *haslar*, from the hazle tree, produced the word *hastl=castellum*, from *castrum*, Latin.*

Palace.

2. That the first palace was nothing more than a rude enclosure of stakes driven into the ground, from that circum-

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* From *hasl*, is formed *at hasla*, or *hastla*, to mark out a place for a pitched battle, which the Northmen performed with hazel stangs or stakes, and they called the place itself *heslisteingi*, *q. d.* castle-stakes or pales. "Skamt fra hofinni vari settar up heslisteingur thar sem orrostan skyldi vera." Shortly from the court were the hazel stangs set up where the battle was to be.—*Norna Gests Saga*, c. 6. The first *castr*-a =(*hastl*-ar) were no better than tents within a palisade. *Hasla vollr*, the plain of hazels, also occurs for a battle field: "Lagdi jall scipom sinom at landi, oc hasladhi voll Ragnfredi kongi." The Jarl laid his ships on the land, and staked out a field of battle for king Rainfred.—*Heims Kringla, t.* 1, *p.* 212.

stance named by the Anglo Saxons a *fæsten*, a fastness, or fortress, is pretty well ascertained from the origin of the word, whether we consider it as the old German *falanza*, or the Latin *palatium*. The latter is commonly said in classical books to have been taken from the Palatine Hill, but this is deriving cart from carthorse. Palatinus, as Selden observes, respecting the word in a count of the royal household, "is the possessive of *palatium*, and implies no more than the words *of the household*, when we say 'officers of the household.'"* On Latin principles, therefore, this etymology of *palatium* cannot be commended. The Romans long before they arrived at the Palatine Hill, must have protected themselves by *castra*, and *palatia* are nothing more than *castra*, considered in regard to the paling or *palissado*, and not in regard to *hasl*, its material. They are however, said to have first established themselves on the Palatine Hill, and if any part of the story of Romulus be true, the "Romana palatia," committed to the care of "mother Vesta," could not have been stone edifices, but a collection of huts of the simplest construction, such as at a recent period were erected by hordes of banditti on the hills and mountains in the neighbourhood of Rome. In the same manner as the *castellum*, the residence of the pastoral marauders was protected by a circle of stakes or piles. Such a stake the Romans called *pal*(us), and the Germans *pfal* or *phal*.† In old German, *fala* was a wooden tower, and *phala*, which however, is the same word and the cognate of the Latin *palus*, was a wooden castle.‡ In old

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* Titles of Honour, p. 378.

† From the root PAL, to preserve, Sanskrit Grammarians, deduce *palala*, a stalk, a straw, and *palali*, a straw. The *pal-us* takes its name from its use as a stake, when it bears a resemblance to a stalk; or directly from the root PAL, when it denotes part of a fence. The Persian *palar* is the highest beam of a house which supports the roof.

‡ Schilter, not perceiving that the words were radically the same, derives *phala*, a wooden castle, from the Latin *palus*.—*Thesaur. Antiquit. Teuton, t.* III, *p.* 654. Wachter, finding that *Festus* connects *fala* with altitude,

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German also, a statelier building was called a *falanza*=*paland*-us,* (Lat. propped up with poles); and, resembling it, the Low Latin *palancatum,* Italian *palanchato,* was what the French under the same notion, call a pallisade, that is a stockade or fortification of pales. In classical Latin the *n* was dropped, and the word *palatium,* as if it were *palat*-um, formed of pales, answering to the German *pfaltz,* and *pallast,* a palace, likewise produced by dropping the *n* of the ancient orthography. The *palancatum,* just mentioned, was a fence of pales around what is now denominated a city; Muratori quotes a memorial, dated 1238, in which this kind of fence is termed a palancatum.† Omitting the *n* and doubling the *l,* the writers of the middle ages had *pallatium* and *pallicium,* still meaning the encompassing pallisade. *Palus,* in the Alamannic Laws, was a sharp piece of wood driven into the ground to support a fence,‡ and in the Laws of the Longobards "nudus ad palum vapulari," was a phrase to denote the punishment of a slave by flagellation on his bare back, at the pale or farthest extent of the enclosure.§ *Palatium,* however, had

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condemns this derivation, and suggests the Icelandic *fiall,* a mountain, as the etymon of the German *phala;* but *fiall* is the English *fell,* and German *fels,* a rock, and consequently cannot also be the German *pfal.* The conception of *fiall, fell, fels,* &c., related as these words are to *falla, fallen,* &c., refers to declivity, and not to height.

* Notker has *falanza,* a hall; but others write *palantz* and *pfallantz.* See Wachter, who also quotes *palinz hus,* a house of palings, the translation of *prætorium* in Ottfried :—

Giang er selbo ingegin uz
Thar zi themo palinz hus.
He went himself out to meet
Them there at the *paling house.*

Lib. IV, *c.* 20, *v.* 5, 6.

† Et ipsi Brixienses suspenderunt captos imperatoris pro brachiis extra palancatum civitatis.—*Apud Du Cange, in voc.*

‡ L. Al. tit. 99, *n.* 24.

§ L. Long. lib. 1, c. 25, n. 4. The pale or stake driven into the ground was also used as a boundary mark.—*Du Cange, t.* V, *c.* 85. The *palanchato,* Fr. *planche,* Engl. *plank,* differed from the pale in being unpointed

ages before this, acquired the signification of a large and stately edifice. The process is obvious. As the Roman settlement upon the Latian hill increased in wealth and power, the huts of the population became houses, and the houses of the *patres* became strongholds. They occupied the same site as the pallisades, which had become feared or celebrated throughout the neighbouring country. No exertion of human authority can change the language of a people. They continued to call the new structures by the name which they had given to the enclosures.

3. The splendour of the modern palace has dazzled the eyes of etymologists, who do not reflect that language was spoken before the dawn of civilization. They also err who believe the palace to have been originally *turris*, by which the Romans used to denote a burgh or tower. It is mistaking the whole for one of its parts. This word corresponds with Sanskrit *dwarra*, Arab. *dar*, Gr. *thura*, Sclav. *dver*, Goth. *daur* or *dauro*, a door or gate: and if the principal part of the Romans consisted of a colony of Sabines, Curetes, Quirites or Courlanders, it was imported into Italy in the Lettic and O. Prussian form of *durris*, which nearly resembles the present Lithuanian *durrys*. The *durr*, *turr*, door or gate, was that part of the palisade, which being from its use as a passage, weaker than the rest, was strengthened by a lofty *stig* or *stage*, whence the armed warders might cast down missiles on a besieging party.*

Tower.

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and flat. A row or circle of pales, planks, or piles (the *pali* of the Alamannic Law above), interwoven with twigs, and the interstices filled up with earth, forms a barrier resembling cloth (*hrægl*, a vestment), and in English, at least, is a rail. *Barrier* is from *bar*, which is *s-par*, without the sibilant.

The German derivation runs parallel with the Latin; *phal*, a pale, pile, stake, as appears from *fala*, must have been originally *fal*, hence *falantz*, a palace; then *pfal*, whence *pfaltz* and *pallast*. Lastly from *pile* we have *Peel*, and *Pile*, of Fowderic.

* Hig fuhton fif dagas — They fought five days
swa hyra nan ne feol — as none fell

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This fortified entrance was called the *dwara* in Sanskrit, from *dur*, hard, difficult, bad to force, and it belonged equally to the Roman *castrum*, the palace, and to the Gothic *burgh*, a castle or walled city. The Northmen called it a *kastali*,* a word which is not at all connected with *castrum* and *castellum*, but is formed from the verb *kasta*, to throw, and expresses one of the chief purposes for which it was intended. A band of depredators, on issuing from their fastness, would necessarily leave a guard over their property in their absence. The chief of such a band, in however rude a state it might be, would by a like necessity place more confidence in one than another; and we know that these chiefs were attended by *gesidhas* or *gisindon*, who accompanied them in war, and who administered justice in parts where they were not present. It may therefore be reasonably concluded that from the most remote ages, there has existed a palace count, the *pfaltzgraf*, *paltsgrave*, of the Germans, under some denomination of like import, or of an import connected with his duty as a warden, a judge, a comptroller of the household, and general adjutant of his principal. The *præfectus prætorium* of the old Romans, was originally no other than the warder of the turretted entrance to the primitive palace.† *Præfectus* corresponds in signification, and partly in etymology with the Gothic *andbaht*-s, a minister, a *prætor*, whence

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driht gesidha	of the lordly companions,
ac hig tha duru heoldon.	but they held the gates.

Fragment in Hickes, t. I, *p.* 192.

* 'Thad var eirn morgon i solar uppras ad Hervor stod vp à kastala synum, ifer borgarhlidhi.' It was one morning at sunrise that Hervor was standing upon her turret over the city gate.—*Herv. Saga, c.* 19, *fo.* 15.

† Speaking of the simple *paltsgrave* or palace count, with a territory annexed to his title, Selden says, "The title or name only of the first is to be deduced out of the custom and style of the old French state, as from its first original, though yet the name of it were more ancient, and that in the Roman empire under the name of *præfectus prætorii*."—*Titles of Honour*, *p.* 379. The palace count, without the territory, he says positively, is "to be originally had from the example of the old Roman empire."

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prætorium, taken from a palace, is literally its court-yard, *præ-turre,* and exactly corresponds with the Gothic *faura-dauri,* the space of ground occupied by the guard at the gate way. The *hof-gesind* of the Germans, the *hofdreingr* of the Northmen, the *heorth geneat,** *bord geneat,* and *heall thegn*† of the Anglo Saxons, bear testimony to the employment of a palace minister, with a title of similar import with respect to the situation of the bearer.

Comes Palatii.

4. The highest of the dignities denoted by *graf,* is that of *pfaltz-graf,* a judge of the palace, or palatine judge; but the Latin *comes palatii* is a count of the palace, count or companion palatine, as if the title were *pfaltzgesind.* According to Selden, the title of count palatine, with a territory annexed to it, was known in England under the Normans. He considers it to be a copy of the *comes palatii* of the first race of French kings,‡ and therefore, notwithstanding its resemblance to the Roman præfect of the prætorium, it was in respect of France, a German institution. Both Romans and Germans brought the office and its appellation from Asia. The Persians had a *basilius oikou* or governor of the household;§ and, in fact, whereever a chief had a large establishment of companions and servants, lodged and entertained in his herberge, whether that were an enclosure of stakes, or a *burgh* of stones dis-

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* Suprà, p. 158, line 13.—*Hofdreingr. Hof,* a court, and *drengr,* a valiant man. See the particular signification of *dreng,* Suprà, p. 159, 160.

† *Heall-thegn,* hall-thane, palace minister:—

Næfre he on uldor dagum	Never he in all his life,
ær ne sidhthan	before or since,
heardran hæle	found bolder men,
heal thegnas fand.	keepers of the hall.
Beowulf, 1429.	*Kemble.*

Heall-gesidh, before the title of *thegn* superseded it, would correspond with a German *hof-gesindo,* superseded by *graf,* and *hof* by *pfaltz,* without affecting the conventional meaning.

‡ Titles of Honour, p. 379.

§ Sozomen. *l.* 11, c. 9, *Apud Du Cange.*

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posed in a circle, one of them would necessarily preside over the rest, and have the care of the "goods and chattels,"* with the superintendence of the rations of meat and drink, and thus become associated with the chief in the adjustment of differences among the retainers, or in causes brought for determination to the head quarters of the horde. With respect to the household he would be the foreman, with respect to the habitation, the palace count, master of the house, or minister of the hall, and with respect to the chief and his own family, a *henchman*.† This officer in

Henchman

* Suprà, p. 94, n.

† On the supposition that it agrees with either the Norse *hondgengr man*, a courtier; or *hensi* and *man*, *hensisman*, a noble minister; or the Swedish *hion*, A.-Sax. *hine*, servant and man. In the former, a man at hand, a *handy-man*, is the leading idea; in the second, *man* or *minister* of the family is the idea. If Drs. Percy and Blackstone be right, "henchman, quasi haunchman, one that goes behind another," the reference is to the chieftain himself:—

" And every knight had after him riding,
Thre henshmen on him awaiting."
Chaucer.

It may, however, be *hengst-man*, horse-man, and so came to be an esquire, as Spelman suggests. The etymology is perplexing when we avoid the natural suggestion of the word itself, in order that we may not affix the dishonor which in modern times attaches itself to the executioner. The superintendence of capital executions in palaces has from all ages in the East been entrusted to the captain of the guards, and the provost marshal of European armies. *Henchman* seems to be nothing more than *hengi man* or *hengsman*,—such was Benaiah to king David (1 *Kings* 1 § 2). An Aga of Janissaries was the same. The *hencker*, or *henck-man* of the Germans was a person of rank, or a cadet of condition up to the fifteenth century; and it was not until the sixteenth century that that custom of executing criminals adjudged in the *Fehmgericht*, by the younger judges of that court, was abolished by Eric, Duke of Brunswick, who died in 1540. Our old historians have an enumeration of the household of king Hardeknute, on which an observation may be made applicable to the subject of the *hencg-man*:—

" Rex Hardecnutes
Alfricum, Eboracensem Archiepiscopum,
Godwinum Comitem,
Styr, Majorem domus,
Throud, suum *Carnificem*,

the early French palace was known by a great variety of names, as "Gubernator palatii, moderator palatii, magister palatii, palatii præfectus, rector palatii, comes palatii, dux palatii;" and "dux Francorum;"* which last seems to attest its origin in the Franks, so far as the Gallo-Romans are concerned.

Steward.

5. In large establishments, several officers performed the duties which in smaller, and at an earlier period, were committed to one. To this circumstance may be ascribed the multiplicity of appellations denoting the same office, and the apparent anomaly of an officer of one denomination appearing in a capacity, which, if the appellation alone afforded a sufficient guide, was due to another, as where a marshal or a stable count administers justice, and a palace count or a master of the household leads the forces. The palace count of the Franks, in the preceding enumeration of titles, was a ruler, governor and master of the palace, a *majordomo*, or *maire de palais*, and a *majordomo* was a

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Edricum, Dispensatorem, et alios
magnæ dignitatis viros Lundonum misit."
—*Hoveden, Script. post Bed. p.* 438. Spelman quotes thus much of the passage, and observes that the words are those of Florence of Worcester, Ann. 1040, and that *Carnifex* was a splendid appellation of office among our Saxons. He evidently understood the word in its classical acceptation of an executioner; but Du Cange, on the same passage, thinks that *Thrond* was the great or master cook. The entire passage is to this effect, that king Hardecnute sent Abp. Alfric, earl Godwin, Styr, his *major domus*, Throud, his *executioner*, and Edric, his steward, and other men of high rank, to London, to dig up the body of king Harold and throw it into a ditch. Afterwards the body was taken out and cast into the Thames. In the middle ages a *carnifex* was "homicida vel macellator qui facit carnes," a manslayer, and a butcher who cut up and sold meat. Now a cook may be a butcher, but it is very unlikely that a royal cook would be also an executioner, or employed in disinterring bodies; and that Thrond was one, may be inferred from the nature of his errand. In the household of Henry II. *carnifices* are distinct from the *cocus* or cook, and were evidently butchers.

* Fredegarius; Paul Warnefrid; Godfried. Viterbens; Eginhard; Aimoin, &c. See Du Cange, v. *Major Domus*.

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steward, of which Mr. Richardson says in the *Encycloped. Metropolit.* that it was "antiently written stede-ward." He produces no authority, nor indeed, is there any, as *stiweard* occurs in Anglo-Saxon, and he himself quotes *Robert of Brunne, p.* 10:—

> "Britik had a *stivard,* his name was Hermon."

This last term, which in *Ælfric's Glossary,* answers to the Latin *œconomus,* which is the same as *rector* or *major domus,* appears to be of very remote antiquity. To acquire a just notion of its early import, the assistance of etymology must be sought. In the Anglo Saxon Chronicle, we read of the earl's *stiward,* and the *kinges stiward.* The same orthography was commonly observed in old English:

> "The kyng com into halle,
> Among his knyghtes alle,
> Forth he clepeth Athebrus,
> His stiward, and him seide thus:
> Stiward, tac thou here
> My fundling for to lere
> Of some mysteres of ryvere.*

A MS. statute of Richard III. (*c.* 6,) quoted by Dr. Stodart, has *styward:*—

"That every styward, under styward, bailiff, commissarie, or other mynystre, holdynge and rulynge any of the said courtes, that doth the contrary of this ordenance, shall forfeit an C *s.*"

Among our old writers *u* was sometimes equal to *y;* in *Launfal Miles,* MS. we have *stuward:*—

> "He gaf of gyftes largeliche
> Gold and sylver, and clodes ryche,
> To squyer and to knygt;
> For hys largesse and his bounte
> The knyges stuward made was he
> Ten yer, y you pligt.†

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* Geste of Kyng Horn. Warton has copied this passage erroneously.

† Cott. MS. Caligula, *A.* II, *fo.* 33 *b.*

The derivation of this compound word is attended with a difficulty respecting its initial syllable, which may perhaps be removed by a consideration of the circumstances in which a Teutonic horde were placed when they instituted military guardians or defenders, for that such was the steward originally appears from the latter part of the appellation. Icelandic *stivardr*, a word of the same formation and signification, is said to be derived from "*stia*, opus, and *vardr*, custos."* But *custos* is a secondary meaning of *vardr*, which results from *verja*, to defend, a verb formed with the word *ver*, a man, and, therefore, primarily signifying to act as a man, to act manfully, *viriliter agere*. So also the *weard* of the Saxons proceeds from *werian*, and *werian* from *wer*. *Stiward* means a keeper of the *sti* or *stia* certainly, but it is a keeper with arms in his hands. If *stia* mean *opus* in Icelandic, it can be only in the sense that *weorc* in Anglo Saxon, *work* in English, and *ouvrage* in French, are taken to be the fortification, which is the product of work: thus the hall, palace and castle of Heorot, in Beowulf, is a work:—

"Tha ic wide gefrægn	Then widely I learn
weorc gebannan	the work was proclaimed
manigre mægthe	to many a tribe
geond thisne middan geard."	throughout this earth.

A place of defence and security among the German nations, when the site was the leading idea, was called by the same word which denoted a rock or mountain. In Gothic *bairgs*, a mountain, is connected with the verb *bairgan*, to guard, keep, preserve, whence *baurgs*, a fortified place, a city, in Old Norse, the same word *berg*, *bearg*, and

* Metrop. Encyclop. art. Grammar, p. 189. *Stia* occurs in *Gautreks Saga*, c. 31, for a sheep cote, or a stall for cattle; but who will accept this as the original of an office of the highest dignity in a royal and imperial palace? It is this *stia* which enters into composition with *pig* and *swine*, in the several dialects, and is more likely to be connected with *stow*, a place, than any word denoting ascent, such as *stig*.

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biarg is both a rock and a tower, and the related verb *biarga*, is to assist, protect; *borg* a city, manifestly involves the same idea as *baurgs*. In German *berg*, a hill or mountain is connected by an old verb with *burg*, a castle, which is the same as the Anglo-Saxon *burg*, a place of defence, connected with *beorh*, a mountain, through the verb *beorgan*, to defend. A tower is also called *purgos* in Greek, which by those who believe that the language of Homer ever penetrated to the frozen rocks of a Scandinavian coast, is, contrary to the canon of transition, confidently stated to be the original of a word so widely diffused and so closely united to its root, as *burg* or *burgh;* but in Greek, *purgos* is an isolated word, connected with none but its own little progeny of derivatives. It has no root in that language, and must therefore depend for its explanation upon its agreement with the Gothic cognates.*

The etymological import of *burgh* is strikingly confirmed by the remains of primitive fortresses, erected upon the summits of precipitous rocks, and the most inaccessible points of rugged mountains in Scandinavia, the Danish Islands, some parts of Germany, and our own Zetland Islands. Of these the most perfect specimen, according to Sir Walter Scott, is that upon the island of Mousa, near to the main land of Zetland, which, he says, "is probably in the same state as when inhabited."

Descrip-

"It is a single round tower, the wall curving in slightly,

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* In Arabic, *burj* and *buruj*, a castle, tower, fortress, wall, &c. are connected with the preposition *bar*, above, and like our *burgh*, mean an elevated place. The words *burgh*, *burgher*, *borough*, come from the Anglo-Saxon *burh*, a city, which is the Sanskrit *puri*, a city, *i. e.* a place become full *(pur)* of inhabitants. There is another bond of connection among these different terms. Where the *burgh* was erected. the people naturally frequented it for protection, and for the same reason built their habitations there; and thus *burgh*, a castle, a town or city, was also an elevated place. *Purgos* does not correspond with the Gothic *baurgs*, A.-S. *burh*, for *P* Gr. answers to Goth. *F*, and *G* Gr. to *H* or *G* Goth. Hence FAIRHW-us, Goth., in some restricted sense, is the correspondent of *purgos*.

tion of a Burgh. Steward.

and then turning outward again in the form of a dice box, so that the defenders on the top might the better protect the base. It is formed of rough stones, selected with care, and laid in courses or circles with much compactness, but without cement of any kind. The tower has never, to appearance, had roofing of any sort; a fire was made in the centre of the space which it encloses, and originally the building was probably little more than a wall drawn as a sort of screen around the great council fire of the tribe. But although the means or ingenuity of the builders did not extend so far as to provide a roof, they supplied the want by constructing apartments in the interior of the walls of the tower itself. The circumvallation found a double enclosure, the inner side of which was, in fact, two or three feet distant from the other, and connected by a concentric range of long flat stones, thus forming a series of concentric rings or stories of various heights, rising to the top of the tower. Each of these stories or galleries had four windows, facing directly to the points of the compass, and rising of course regularly above each. These four perpendicular ranges of windows admitted air, and, the fire being kindled, heat, or smoke at least, to each of the galleries. The access from gallery to gallery is equally primitive. A path on the principle of an inclined plain, turns round and round the building like a screw, and gives access to the different stories, intersecting each of them in its turn, and thus gradully rising to the top of the wall of the tower. On the outside there are no windows; and I may add, that an enclosure of a square, or sometimes a round form, gave the inhabitants an opportunity to secure any sheep or cattle which they might possess."

According to the aspect under which the *burgh* was viewed, so was it denominated. Considering its circular, hoop-like form, it was a *hof;* as it was constructed of stone it was a *hall;* seated upon a rock or mountain, it was a *burg,* while the winding ascent to the apartments in the walls suggested, says Mallet, "a name which signified

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serpents or dragons."* The Goths called an ascending path, *staiga*, the Anglo-Saxons, *stig*, the Swedes, *stje*, from verbs which signify to ascend; and in Lancashire to this day, a portable ladder, used for obtaining access to the loft or upper room of an outbuilding, is called a *stee* or *steigh*. If the whole building were also called by the name of this important part, we can understand why the officer in charge of it was designated the *stivardr* and *stiward*.

Access to the burgh was obtained by means of a similar *stie*, winding in some instances round the rock or mountain, but in others cut through it so as to form a cavernous ascent into the inner tower. "In Zetland," says Sir W. Scott, "there are several scores of these Burghs, occupying in every case, capes, headlands, islets, and similar places of advantage singularly well chosen. I remember the remains of one upon an island in a small Lake near Lerwick, which at high tide communicates with the sea, the access to which is very ingenious, by means of a causeway or dike, about three or four inches under the surface of the water. This causeway makes a sharp angle in its approach to the Burgh. The inhabitants, doubtless, were well acquainted with this, but the strangers, who might approach in a hostile manner, and were ignorant of the curve of the causeway, would probably plunge into the lake, six or seven feet in depth at the least. This must have been the device of some Vauban or Cohorn of those early times."

Reference to these *staigai*, *stigas*, or *sties*, are found in many old writers:—

The passage to the noted hall of Heorot, in Beowulf, lay through a street, and up a *stie*:—

Stræt wæs stan fah	The street was variegated with stones,
stig wisode	the path directed
gummnm ætgædere.	the men together:
L. 537.	

* Introd. à l'Hist. de Dannemarc, *t.* II, *ch.* 9, *p.* 243.

so that Heorot resembled the Saxon castle of Conigsburgh, of which the entrance was a narrow door at a great height from the ground, and attained by a long flight of steps. This conjecture appears to receive confirmation from a subsequent passage:— *Steward.*

He to healle geng	He went to the hall,
stod on stapole	stood on the steps,
geseah steapne hrof	and beheld the steep roof
golde fahne.	with gold adorned.
L. 1844.	

The subterranean *stie* is mentioned in the account of the dragon's burgh. This guardian of hidden treasures possessed—

stan beorh stearcne	a strong stone burgh;
stig under læg	the stie lay under it,
eldum uncuth.	unknown to men.
L. 4421.	

This fable of a dragon guarding a treasure in a strong burgh, it will be perceived is the allegory of a powerful and tyrannical castellan in his own right, suggested by the serpentine *stie* by which he ascended to the different lofts (from *lopt* or *luft*, air) in the walls. The covered or concealed path also occurs in the description of a magnificent manor, quoted by Warton, from a poem of the thirteenth century:—

"Forth heo wenten on the feld
To an hul (hill) thei bi held
The eorthe clevet as a scheld,
On the grownde greene:
Sone fonde thei on (a) *stigh*,
Thei went theron radly;
The Crysten mon hedde farly
What hit might mene.
After that *stig* lay a strete
Clere i pavet with grete,
Thei fond a manere that was mete
With murthes ful schene."

Stye, that is an ordinary ascending path, is contrasted with street, a horizontal passage, in the poem of Emare, also quoted by Warton:—

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> " Messengeres forth he sent
> Aftyr the mayde fayre and gent
> That was bryght as someres day :
> Messengeres dyght hem in hye
> With myche myrthe and melodye,
> Forth gon thei fare
> Both bi stretes and bi stye
> After that fayr lady."*

If *stia* be *opus*, then are *stia* and *stig* Icelandic and Saxon names of the Burgh so called from the Serpentine ascending path, which suggested the name of a drake or a worm for the building, and the fable of a dragon or castellan or burghward; and so *stiward* is the warden of the ancient fortress, the keeper of the hall, and the master and count of the palace. In the old romance of Sir Ynwayn, Sir Ywain, or Gawayn, *sty* appears to be used for the tower to which the knight was going. The passage is quoted by Warton, but apparently with little accuracy. In a note on "legir sty," the former of which words he explains to be "wicked, bad," and the latter "the enchanted forest," he says, "But I do not precisely know the meaning of *sty*. It is used in the Lay of Emare," given above. If the word be *legir* it cannot mean wicked, bad, but a bed or resting place. The knight having mounted his good steed, rode forth—

> " Until it neghed nere to nyght ;
> He passed many a hyghe mountayne
> In wilderness and many a playne,
> Till he com to that *legir sty*
> That hym byhoved to pass by
> Than was he seker for to se
> The well and the fayre tre ;
> The chapel saw he at the laste,
> And thider hyed he full faste ;
> More curtaysll and more honoure
> Fand he with than in that toure, &c."†

* Cott. MS. Caligula, *A.* II, *fo.* 161.
† Hist. Poet. v. III, *p.* 117.

Steward.

However this may be, the *stie*, both in the interior and exterior of the burgh, was of great importance. On occasion of danger, the cattle destined for the support of the garrison were driven into the circle formed by the *stie*, and there kept along with other provisions for holding out a siege. It would appear then that from this use of the *stiga* or *stye*, the Icelandic *stia* came to denote a cattle stall; and that *stiward* was the officer who had the charge of the entrances and the provisions of the burgh or castle; and hence there is no difficulty in accounting for his high rank in a royal household. Horne Tooke is perfectly right in deriving *stiga* (meaning *stig*, by the way), from *stigan*, to ascend, but as completely in error when he defines a *sty* to be a raised court for hogs. This would make the steward the keeper of a hog sty. If hogs were brought into the burgh, which is very doubtful, they were kept beneath, and not upon the sty, for that would have incommoded the inhabitants; neither were words expressly invented to denominate the accommodations of that animal.

The *stie*, in many instances, was furnished with ropes, *stiga rapas* (whence *stairs* and *stair-ropes*, *stirrups*), to assist in passing from loft to loft. It is not in the slightest degree improbable that the lofts might also be called *stigas* or *staigai*, Gothic. In the Low Latin, *stagia* and *stagium* were terms for a house or habitation, and the French *étage*, anciently *éstage*, was a place between two planks.* *Estigia* was used in 1213, for *hostisia*, which was the same as a *hospitium*, a house for the reception of the poor and the sick—a hospital. The explanation of *œconomus* by *stiweard*, in Ælfric's Glossary, would lead to the conclusion

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* *Stagia*, a dwelling house, in a charter of Philip le Bel, 1298, quoted by Du Cange, VI, *c*. 685. In the *Customs of Limoisin*, it is spelled *stagium*, and is used for a building equal to a house. "Item consuetudo est quia fullones seu sarturatores debent custodire in stagiis vel domibus suis per septem dies pannos emptos in loco ubi videri possunt publice."—*Consuet. Lemovic., art*. 42, *ib*. 687.

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Steward. that a house was sometimes denominated from the *stie*, as the burgh was with reference to the serpentine construction of that essential portion of the building. The similar word *sthayuka*, in Sanskrit, implying stationary, or connected with the station, is used as the title of the steward, bailiff, or overseer of a village; but *stiward* can hardly have had this import, if the orthography of Ælfric and the Chronicle be the original. In the first ages the officer so denominated appears, from the preceding etymology, to have been the guardian of the pass to the fortress of the tribe, so that having the command of the fortress itself, he came to be the principal and regulator of the internal establishment. This, as territory extended and circumstances improved, keeping him constantly about the person of the chieftain or prince, occasioned the appointment of an officer over the roads and passes; as the *præfectus viarum* of the old Romans, the *comes viarum* of the empire, and the *Guarda-reve* of the Normans in England. The last, whose name denotes the bailiff of the ward, was of some importance, having thirty hides of land "pur son travail," for his labour, that is, under his superintendence, and a *stretewarde* of seventy men, at the rate of four from each ward.*

Spencer. From the station of the *majordomo* in the palace of a king or nobleman, and the presumed station occupied in a Norse and English burgh by the steward, that officer had the care and distribution of the provisions, and in short he was the manager of the household expenses, and hence he is called, in the Latin of the early ages, a *dispensator*, whence the larder in old English was the *Spence*, and possibly Spencer, *le Despenser*, the name of a noble family,

* Leges Will. I, c, 28. Jacob strangely supposes the *stretewarde* to have been scavengers. They were the armed guardians of such public roads as then existed, and were no doubt rendered necessary by reason of the discontented Saxons, who traversed the country in formidable bands under Hereward and other noted leaders, during the whole of this and the subsequent reigns.

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may have denominated the steward, the master of the household, the count palatine and paltsgrave, in his capacity of *larderer*, or one that took care of bacon in early times.* It matters not that these offices are found filled by very different persons with as many titles; the fact that one or the other name is found designating him who is both a palace count and a *majordomo*, is a proof that at one time or other, or that in some establishments, the same officer discharged the duties implied under each appellation. For this reason we sometimes find the butler and cupbearer discharging the duties of the steward, or, at all events, the steward decorated with the appellations of the former.

Larderer.

6. The Butler, like the steward, received several appellations of different meanings, but each describing one or other of his functions. A cup-bearer is an officer whose pretensions to the highest antiquity may be readily proved on the authority of history, but history begins to record where the philological investigator into the origin and causes of things may discontinue his researches. Cup-bearers were employed before history took notice of them, and etymology assisting history would infallibly place *skinker* as the oldest title of the butler or cupbearer. Its root, as might be expected, is in Sanskrit. The necessaries of life, however, were provided before the conveniences, and the latter took precedence of ornaments. The first chiefs, assisted by their wives and children, brewed their own mead and beer. They could not ferment it without vessels, and the art of sewing skins together is certainly anterior to the production of a barrel. A square formed vat might indeed have been made, before ingenuity had extended to the suture of leather; but such were inconve-

Butler.

* A master-spencer of the larder, and *lardeners* occur in the household of Henry II. "Magister dispensator lardarii. Lardenarii." There was also a master-spencer of bread.—*Hearne, Lib. Nig. Scacc.* The names of *Larder* and *Lardner* are derivable from these appellations.

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nient for travelling; the first tribes were nomadic; and Don Quixote gives evidence of the use of wineskins or bags in an age when better methods of preserving and transporting liquids were in ordinary use. It must be presumed that the mead or beer was brewed, and had been some time quaffed by the family before a cup was especially devoted to the service of the chief; and if the custody and management of the beer or wine bags (the kind of liquor is of no importance), were entrusted to one person, that officer received a title corresponding in signification to butler. If the *skinker* and butler were coeval, then inasmuch as the trust of the latter was more weighty, he was the greater in dignity. The circumstances of a wandering tribe reposing in covered wains, or making a temporary *heristall*, of huts, are greatly in favour of the higher antiquity and superior importance of the butler. Him, therefore, and his synonymes, it will be the duty of a respector of the rights of precedence to consider in the first place.

Pincerna.

In the fourth century, Ulfilas the Goth, made the literary world acquainted with the term *pugg*, (pron. *pung)*, and applied it to a purse or leathern money bag. St. Jerome, about a century afterwards, mentions the barbarous word *pincerna* as the common appellation of the chief vintner in his day, and adds that the office of cup bearer was one of the first dignities in the courts of foreign princes.* *Pincerna,* a butler, and a cupbearer were then one and the

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* "Ubi nos posuimus princepem vinariorum—quem possumus more vulgi vocare pincernam. Nec vile putatur officium, cum apud reges barbarosusque hodie maximæ dignitatis sit, regi poculum porrexisse.—*In Quæst. in Genes.* quoted by Du Cange, who gives two ingenious derivations of *pincerna:* one from the Greek *pinein kirna!* by Tanaquill, Faber, in Epist. 76.; and the other, equally good, "Dicitur pincerna quasi *penum cernens,* i. cellarium, quia semper habet oculos ad vinum suo tempore propinandum. —*Joan. de Janua.* A more probable derivation would have been *à pinace,* for the *pinax* was an eating or drinking table, and *-erna* is the termination of a class of Latin words. Professor Pott classes it under the Sanskrit root *pa,* to drink, whence Gr. *pinein,* &c.

same officer. It is contended that this was not always the case. The only part of the word which is not classical Latin is *pinc;* the termination *erna* is the Anglo Saxon *ærn, ern,* Goth. *arn,* and taking its origin in the Sanskrit verbal root *urna,* to cover, it runs through the Teutonic dialects, denoting a place of stay or a repository.* In all probability therefore, the word had by some means or other made its way to the Romans from one of the barbarian courts in which there was the officer denoted by the name, which from its relation to the Gothic *pugg,* a leathern bag for money, appears to be connected with the bags of leather, or skins to hold wine.

In low Latin, the *pincerna* is called *buticularius, bucellarius, busellarius,* and other names of similar formation, all denoting the leather-bag man. From *buticularius* came *butellarius,* whence the French *bouteiller,* which appears to be the original of our butler:—

> "Bedwer the botyler kyng of Normandy
> Nom al so in ys half a vayr companye
> Of an syurte, verte servy of the botelerye."†

Buteleria, however, occurs in an ordinance respecting the arrangement of the household of Henry II, where the butler is called a master spencer, which we have seen to have been the appellation of a steward.‡ The reason is obvious: the steward was considered to be the chief officer

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* Lat. *lucerna,* Goth. *lukarn,* a lant-ern, *i. e.* a place or covering of *lux, linhad,* light; *taberna,* a tavern, *i.* a covering or shed of *tabulæ,* thin boards: so *pincern* is a Gothic word, a covering or bag of leather.

† Robert of Gloucester, p. 191:—

> "Beduer à lautre partie,
> Servi de la boteillerie."
>
> *Wace, Brut.*

‡ "Magister dispensator *buteleriæ* sicut magister dispensator panis et vini. Dispensatores *botellariæ,* qui per vicem serviunt, sicut dispensatores expensæ, qui per vicem serviunt, scil. plus habent candelam, quia habent cereolum, et XXIII frusta candelarum."—*Hearne, Lib. Nig. Scaccariæ, p.* 349.

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of that department to which he was appointed; and hence the addition *of the household,* to the chief steward, or equivalent of the early palace count. *Bus-ellarius*, if it do not originate in the Anglo-Saxon *pusa,* a purse, is a corruption of *buc-ellarius;* and *buc* appears to be the Gothic *pugg,* without the nasal consonant.* *But-icul-arius* is the low Latin *buticula,* a little bag, whence the French *bouteille.* English *bottle,* with the personal termination *ari* common to the Indo-European languages. *Butler,* therefore is the *bottl-er* or bottleman, as *pinc-erna* was the bagman. The origin of this term is the word *but* (English *butt*), anciently a bag, but now a large cask: in A.-S. *bytta* and *butta,* Ital. *botte,* Fr. *bote* and *botte,* a boot and a wine butt; in barb. Lat. *butta;* in Gr. *bouttis,* which Cujus pronounces to be a new word, used by the Tuscans of his time.† Hiero, the mathematician, describes the *bouttis* as larger at the top than the bottom, which is the form of leather boots for the legs; and the latter were no doubt so called from their resemblance to the wine vessels, or leathern bottles. The Italians name a leathern flask *bytta;* the Bohemians call a sack *pytel;* and the German *beutel,* similarly produced, is a leathern bag or purse. In Ælfric's Monastic Colloquy, the shoemaker mentions among the products of his craft, leathern-hose and bags, bridle-thongs and trappings, flasks

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* *Boucellus,* a leather wine bag, occurring in a charter of the Bishop of Amiens, 1301, is the same word as *bucellus.* The company of Tanners, it appears, were bound to furnish him with two pairs of leather *boucelli,* on his preparing to join the king's army. The French *bouchelle,* Engl. *bushel,* are to be referred to this word; but Fr. *pouche,* Engl. pocket, poke, seem to be the Goth. *pugg,* without the nasal sound:—

"Communitas Tannatorum debet dare domino episcopo, quando debet ire in exercitum domini regis, duo paria boucellorum de corio, quorum una pars teneat unum modium vini, reliquo vero XXIIII. sestiers."

† Observ. ad Legem Vinaria, c, 26. apud Salmuth. The observation is important, because had the word been ancient, the etymology would be liable to suspicion on account of the agreement of the initial consonant with the Teutonic class.

and vessels of hides.* These bags, *utres*, are explained in the Anglo-Saxon interlinear gloss, to be "*butericas*," and the flasks to be "*flaxan* vel *pinnan*." Where the Latin has *peras*, bags, budgets, the gloss has *pusan*. We are still among leathern boots and bottles. *Bute-ricas* appears to mean strong bags; *pinna* is referable to the Gothic *pugg*, and Latin *pinc-erna*; *flaxa*, to the Goth. *balgs*, a bag; and *pusa*=*phusa*, Gr., a pair of bellows (balgs). *Pusa* is a purse, in the proverb quoted by Lye: "Sa thearfa bærth æmtige pusa." The needy man beareth an empty purse. The latter are probably connected with the animal, *bos*, *bous*, which furnished the material.

The arms of the family of Bouteillier, in France, are bottles; those of the Butlers, of England, are skinks or cups; and Lat. *poculum*, a drinking cup, belongs to the class of words denoting vessels of leather; the first syllable is etymologically POC=BAG Engl. and the others are merely grammatical; so that *pocillator*, a cup-bearer, is still a leathern-bag or bottleman. The English name of Fuller seems more probably to be *fulere* than the fuller of cloth; and A.-S. *ful*, a cup, also seems referable to the *bull*, whose horns furnished the vessel.

Skinker.

The connection between the A.-S. *scænc*, a cup or pot, and *scanca*, the *shank* of the leg, is evident; and as cups were anciently formed of shells,† conks, horns and bones, the large shank of some beast may have been the occasion of naming the bearer of it a skinker, *skienkare*, Icelandic,

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* Subcalceares and ficones, caligas et utres, frenos et falera, flascones, casidilia, &c.—*Cott. MS. Tiberius*, A. III, *fo.* 61 *b.*

† The following cognates of *shank* will illustrate this supposition:—

A.-S. scanca, *Frank.* scincho, *Swed.* & *Engl.* shank,
sceanca, *Ital.* schincha, *Al.* schenchum.

Shink, in Scottish, is soup made of cows' hams, the knees and sinews of beef; but in Mearns and other northern counties the skin of beef has this name.—*Jamieson*, *Supplem.* Perhaps the Sanskrit *sankha*, or, as Col. Vans Kennedy has it, in the second case, *shankham*, a shell, is the original of both *shank*, the leg, and *skenk*, a cup.

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skänkare, Sw. *scinko*, and *schenko* in Alamannic, all meaning a cup-bearer. Originally wine-skins were simple butts or bags, without any spout, or at most with a clumsy aperture. Convenience taught the wine drawer to insert the shank-bone of an ox into this aperture, and thus he formed a spout. This appears to be the original of the cups of the Butlers, with little knobs on the covers. In other words they were wine bags with shanks, before they became gold cups. From this shank came the verb to shink, or pour out wine, which was unquestionably received into horns. Hence this verb is common in the European languages:

A.-S.	scencan	*Dan.*	skencke	*Dutch* / *Germ.*	schencken
Icel.	skienka	*Sw.*	skänka		
	skencka	*Al.*	schenchen	*Fr.*	eschansonner

"Bacchus win hem skinketh al boute;"* and in English he was a skinker:—"But sweet, Ned, to sweeten which name of Ned, I give thee this penniworth of sugar, clapt even now into my hand by an under skinker, one that never spake other English in his life than—Eight and sixpence, and—You are welcome."†

But before queen Elizabeth's time, the word imported a cup-bearer in an honorable acceptation. The household of Henry II. had four officers called *escantiones*, who relieved each other in the time of performing their duties. Adulf, a nobleman in the court of Spain, about 650, with the titles of count and duke, was a skinker companion;‡ and in a French charter of the year 1247, quoted by Du Cange, occurs a 'Robertus Scantio serviens domini regis:'§ so that it appears to have become a proper name like *Bouteillier*.

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* Chaucer, Marchantes T. 9596. "Eirn herbergis sveirninn skenckti utar a beckiu gestanna." A boy of the herberge poured out at the bench of the guests.—*Norna Gests S. c.* 2.

† Shaksp. 1 Hen. IV. act 2. sc. 4.

‡ His subscription as a witness to the 8th Council of Toledo, runs thus: "Adulfus, comes scantiarum et dux."

§ Gloss. t. vi. p. 186.

Byrel, possibly connected with *beran*, to bear, was the appellation of this officer among the Anglo Saxons and Anglo-Normans.*

Leodh wæs asungen	The verse was sung,
gleo mannes gyd	the gleeman's song,
gamen eft astah	the joke again arose,
beorhtode bene sweg	the noise from the benches resounded;
byrelas scaldon	the cup-bearers gave
win of wunder fættum.	wine from wondrous vessels.
Beowulf, l. 2312.	

But among the Saxons, ladies of the first rank bore the cups to guests of distinction:—

Thæt hio Beowulfe	So that to Beowulf, she,
beag hroden cwen	a queen adorned with rings,
mode gethungen	venerable of mood,
medo ful ætbær.†	the mead-cup bore.

The king's *byrelas* occur in the Saxon Laws. In the law of Edward the Confessor, on the liberties of noblemen who have their own officers under their frithborg,‡ *pincernæ* occurring after *dapiferi*, refers to the butler, and most probably this *byrel*. There appears in this law an intention to distinguish butler by the term *dapifer*, and the cup bearer by the term *pincerna*; so the distinction is marked strongly in the following passage in Hall's Chronicle:—"The erle of Arrondel was chiefe butler, on whom XII citi-

* In Icelandic, Dr. Jamieson remarks, *bur* is a house of provision, *domus pennuarium*; *byrla*, to pour out, has been deduced from *biörr*, cerevisia.—*Gloss. Eddæ.*

"On other half was Bedver
Thas kinges haeg *birle*."
Layamon, about 1185.

king Alfred renders the *pocillatores* of Orosius by *byrelas*: "Tha geleornodon his byrelas him betweonum hu hy him mihten thæt lif oththringan:" *(fo.* 54 *b.)* and thus supports the conjectural etymology from *beran*, byrel, a cup-bearer.

† L. 1239. See also 1218, &c. In Volsunga Saga, c. 18, queen Borghilda destroys her step-son by handing him a horn of poisoned liquor at a feast.

‡ Quoted Suprà, p. 156, n.*

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zens of London did give their attendance at the cupboard. The erle of Derby cupbearer."* If there were an original difference, we may detect it, by considering the nature of the first wine bags provided with a shank, for decanting the liquor; Arrondel was the skinker who poured the wine into the cup held by Derby; and, as the bags were unwieldy vessels, the former required the assistance of others to hold the belly part while he directed the shank. Such would be the primitive duties of the skinker and cupbearer, officers of vast importance to the chief of a German tribe, who transacted no sort of business without a banquet, in which the item of bread bore the same proportion to the wine as in Falstaff's tavern bill.

That *scænc*, and *skänk*, (pronounced *shenk)*, were also names of the cup, might be because *sankha*, Sanskrit, was a shell, or because a shank bone was used for a cup.† Before the invention of pottery and the art of moulding metals, shells, horns and hollow bones, as the skulls of animals, were used for culinary and drinking vessels. The Scythians are said to have drunk out of the skulls of their enemies, as in the old story repeated by Hakluyt, of Suatislaus, a prince of the Rhuteni:—"At length Stoslaus was slayne by his foe, who, making a drinking cup of his skull, engraved thereupon in golden letters, this sentence: 'Seeking after other men's he lost his own.' "‡ A few isolated cases of this kind may be true, but a charge of cannibalism against a whole nation requires other proofs than isolated anecdotes. There has probably been an equivoke in the original term. One of the enigmas in Heidreks Getspekr, turns upon the resemblance of *huarinn*, anciently a skull, to *huarn*, a hollow vessel as a pot or cup,§ and indeed,

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* Henry 8, the 25 Yere.

† In Persian *shank* is the proboscis of an elephant.

‡ Treatise of the Duke of Muscovia, v. i. p. 221.

§ 'Drinhuarn kallar thu nauts skoltin.'—The cow's skull thou callest its *lowing-vessel.—Hervarar Saga, b.* 13, *g.* 23.

etymologically, they are the same word, and correspond with the Latin *cranium*, Ger. *hirn-schale*, the brain-shell or pan, A.-Sax. *hirn*, the brain. But to what word the "Scythian cup" refers we have no evidence. The Lithuanian *kubillas*, and Lettic *kubbuls*, a tub, pail or vat, are classed with the Persic *khumb*, a bowl, by Professor Pott, under the Sanskrit *khumba*, an urn, a water pot. Under this word he has also Sanskrit *kupa*, a ditch, a cave, a well, κυπη, a cavern, Lat. *cupa*, (Germ. *kufe*,) κυπελλο, Lith. *kupka*, a cup.* The resemblance of the Sanskrit *kupa*, to *kapala*, the skull, (Gr. *kephale*, and Germ. *kopf*, the head) may possibly account for the ambiguity in a grammatical point of view; but no doubt, the skulls of beasts, used for containing liquids, have contributed to the foundation of tales of a reproachful character.

Seneschal.

As *kopf*, the skull, may have given us cup-bearer, so *shank* has produced a synonyme of the butler or steward, very different from skinker. It is the *seneschal*, in Low Latin *Senescallus*, and likewise *seniscalcus*, which Wachter derives from *sen*, a company, band, or troop, and *schalk*, a servant, a chief of servants, raised from the same rank. What this "*sen*, cœtus" is, he does not say, but proceeds to define *seniscalcus* to be a prefect of the royal household, not a servant, but next to the king. Such also was the cup-bearer or *comes scanciarum;* and *erz schenk*, or chief skinker, is an hereditary dignity of the king of Bohemia, who, in virtue of this office, has the honor of presenting the first cup to the emperor at his coronation. Neither *Dapifer* nor *Scantio* occurs among the officers of the household of Charlemagne, from whom the dignity was unquestionably derived, or by whom created, but we find that his steward Adulf was styled *senescallus*,† master or

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* Etymologische Forschungen, I. p. 84.

† Carolus per Autulfum senescallum misso exercitu Britones domuit.—*Ann. Fuldens.*, *an.* 803.

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president of the royal table, and prince of the cooks.* *Seneschal*, if it were derived as Wachter suggests, would scarcely be chosen by a people for the name of an officer, not one of whose duties are intimated by the compound appellation. The Frankish *scinko, scenko,* a cup, joined to *skalk,* a servant, would form a word, not only free from objection, but most correctly describing this Adulf in one of his capacities, that of royal cup-bearer. *Scantio,* in the Salic Law,† already existed; but it was not a term adapted to popular use like the conjectural *scenk-scalk,* which would readily become the lower Latin *senescalcus,* answering precisely to the Swedish *skænkswen,* cup-swain or servant, a cup-bearer. The office of skinkership of England appears in a Latin genealogy of the House of Lancaster, which states that after the death of Simon de Montfort, the illustrious earl Edmond, son of Henry III., was invested by his father with the counties of Leicester and Derby, and the honor of *Hynkeleye* "cum Senescaleia Anglie."‡

Tapster.

Ingenuity and a love of elegance would supersede the original shank as soon as leathern bags gave way to wooden tubs; and a tapp or pipe was inserted: A.-S. *tæppe, tæppa,* Sw. *tapp, tappa;* Dutch *tap, tappan;* Engl. a *tap;* in French, *tapper,* to draw off drink: all probably to be referred to the Sanskrit *dip, dap, dabh,* each of which means to collect, as the tapster does when he catches liquor in a vessel. The liquor was now prevented from running to waste, with a *spigot,* a wooden nail, in the form of a spike:—

"O base Hungarian wight, wilt thou the spigot wield?"§

This spigot wielder was called a tapster, A.-S. *tapper,*

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* "Regiæ mensæ præpositus:"—"Princeps coquorum."—*Continuat. Aimoini, l.* iv. *c.* 78.

† Si quis majorem infestorem, scantionem, mariscalcum, stratorem, fabrum ferrarium, aurificem sive carpentarium, vinitorem, vel porcarium vel ministerialem furaverit aut occiderit—sol. xxxv. culp. jud.—*Tit.* 11, *n.* 6.

‡ Harl. MS. Cod. 1808, fo. 21.

§ Shaksp. Merry Wives of W. act 1, sc. 3.

Sw. *tappare*, Germ. *zapfere (?)* Dutch *tapper*. The feminine of the Saxon *tapper* was *tæppistre*, which seems to be the immediate progenitor of tapster:—

> Thereto his strength was as a champioun,
> And knew well the tavernes in every toun,
> And every hostiler, and gay *tapstere*
> Better than a lazar or a beggere.*

Dapifer. *Dapi*-fer is not a classical word, and may have been invented after *tapper* had become vulgar, for there seems to be a correspondence in the radicals of the two words. However this may be, the *dapifer* or good cheer bearer, answers to the description of a skinker *(skenkiare)* in the Norwegian Court Laws, who was to spread the table with meats and drink, and serve every one according to his rank.†

Scuttilifer. According to this account, as well as the signification of *dapifer*, this officer is intended by the *scutellifer*, a dish bearer, but literally a skuttle bearer. The term occurs in an ordinance for the household of James II. king of Majorca, and must have been introduced with the office by some Northern adventurers, since it is no other than the *skutilsvein* of the Norwegians, who was either the skinker in another capacity, or one of his assistants. He ranked next to noblemen who had the right of erecting their own standards; and was styled *majordomo* or chief of the royal household.‡ This circumstance once more brings us round

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* Chaucer, Prol. to C. Tales, 221.

† 'Er that sidur i flestum landum, at hin hæstum höfdingiar velja almiok menn til thæs starfs, thui at almikit mega their adgöra ag umrauda, at fagurliga komi fram matur og drickur hverium eptir sinum stiet.'—It is the custom in many countries for the highest captains (princes) to desire men of consequence in this office, for much of their duty consists in laying out the table, and properly serving every one with meat and drink according to his rank.—*Norrska Hirdskra*, c. 25.

‡ 'Skutilsveinar eru næstir merkismonnum a nafnbotum og ollum rietti inna hirdar. Thui at their heita *Hirdstiorar* at rietta med lendum monnum, stallarum og merkismonnum. Their heita og med riettu riddarar.'—Table swains are the next to banner lords in goodness of name (in dignity), and govern all within the court. On this account they are termed palace-

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to the same point, the steward of the burgh and the primitive palace-count. With respect to the word, the Latin *scutella*, was a hollow dish, but the Norse *skutul*, is a table, suggesting the formation of the Latin *scutellifer*, from the resemblance of the two words.

Dish Thane.

A *portator scuteltæ*, a dish carrier, was an officer under the *bordarius* or table man, in the household of Henry II., and Ælfric, in his Glossary, explains *dapifer* by *discthegn*, that is table-minister. In the same establishment there were *dapifers* paid like the chancellor, steward of the bread room, steward of the larder, and stewards of the butlery, a master butler and skinkers; so that in this age and country a large division of labour had taken place, for all these offices seem to have been united in the *dapifer* and *seneschal* of the laws of Henry I., and in the *major domus* and *dispensator* of the court of Hardecnute. In the establishments of the nobility, the royal style of living was imitated, and hence it was early necessary to enact laws for the regulation of large households, in which a *dish thegn* ("dapifer"), a *byrel* or *birleman* ("pincerna"), a *bur thegn* ("camerarius," or chamberlain), a cook and a baker were employed.* These constituted the "Domestici"

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rulers, and they govern barons of fiefs, marshals and banner lords. They are also entitled knights by law.—*Ibid.* p. 156.

Shuttleworth, a name common in Lancashire, should no doubt be Shuttleward, the keeper of the dishes, for whose office, however, there is no other authority than the existence of the word in a corrupted state.

* See "Descripcio Libertatum."—*Suprà. p.* 156 *n.* The apothecary was not then in employment apparently. This was an officer in the palace and establishments of the nobility whose duty appears to have been the preparation of sweetmeats and confections of sugar, and so was a sort of pastry-cook. In the palatine regulations of James II, king of Majorca, (Acta Sanctorum, mense Junii, t. III. p. 28) "Major Camerlengus—species et confectus et fructus ad officium apothecarii pertinentia, quæ extra mensam comederemus, facto gustu nobis ministrare debeat."—And this major or Greater Chamberlain must therefore, have answered to the Dish-thane. The Greek *apotheke*, is a repository; hence the French called the apothecary *un officier*, and *maitre de l'office.—Du Cange, t.* I. *col.* 573. An officer

of the continental nobility, the *hirdmen* or *courtmen* of the Saxon baronage, and the *housekarls* of the Norwegian feudatories. The captains (or vicegerents) of kings and jarls, says the Edda, considering the latter as sovereigns, have followers who are called *hirdmen* and *housekarls*. But barons have their *henchmen*, who in Denmark and Sweden are called *hyrdmen* (courtiers), and in Norway *housekarls*, who swear oaths of fealty to them the same as *hyrdmen* to the king. The *housekarls* of kings in the ancient Danish language were frequently termed *Hirdmen*.* It is observed in the collection of Court Laws, that barons ought to have the right, in order to increase their own and the king's power and grandeur, to take to themselves men with the appellation of *housekarls*.† The chief of these domestics was originally called the palace count, who subsequently became the paltsgrave without an annexed territory. Selden compares this last to the "old chief justice of England under the kings of England, who had exercise of supreme jurisdiction for and in the name of the king in all cases that came to the king's immediate audience. For example, one Andobellus was *comes palatii* in this sense to Clothaire, king of France, about 660, and by virtue of that office sat *ad universorum causas audiendas justoque judicio terminandas*." The origin of this kind of palace count is found in the nature of the kingly office in ancient times, to rectify grievances and compose controversies. For this purpose, when their sub-

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was at first a shop-keeper: such are the vicissitudes of titles: it is now one who would consider the explanatory designation degrading to his dignity.

* Thesar kenningar meiga og eiga their hoffdingiar, er kongar og jarlar haffa med sier til fylgdar er hirdmann heiter og husskarlar. Enn lendermenn haffa og sier handgeinger menn, tha er i Danmörk og Svydhiod eru hyrdmenn kallader, enn i Norege kussharlar, og sveria their thö eid svo sem hyrdmenn kongi. Husskarlar konga voru miög hyrdmenn kallader a Danska tungu i forneskiunne.—*Edda, by Snorro.*

† Lendirmæn skulu hafu vald til at taka sèr menn til traustz en kongi sinni til styrks og semdar med huskarls nafne.—*Norrska Hirdskra.*

jects were comparatively few, and their dominions of no great extent, they held courts at stated times of the year, which were the great festivals of the Pagan as they are now of the Christian religion, and they personally visited the remote parts of their kingdoms.* This customary circuit of the monarch was known in Sweden as the *Ericks-gata,*† and the vestige of the Saxon practice is discernible in our ambulatory parliaments, and the present circuits of the judges.‡ With increase of power, dominions and subjects, the royal duties became numerous, and the decision of controversies was divided with this household officer. It is useless to inquire after the date of a practice which would be adopted wherever the circumstances of the ruler and the ruled rendered it necessary. In the bailiff, or rather *bailli,* we have a relic of the king's deputy judge, although none of the functions reside in that officer, except in the Channel Islands, which are governed by the ancient code called the Grand Coustumier, where the *Bailli* is the chief administrator of civil and criminal justice.§

Skal is the general form in the Northern languages of the denomination of a cup or goblet: Icel. *skal, skaal,* Alam. *skala,* O. Germ. *schale,* Sw. and Dan. *skaal,* (pron. *shol)* besides the Cornish *skala,* and Gaelic *sgala,* a bowl.

* 'Tha kemur ad thui, ad Rerer skal fara i leidgangur, sem sidur er konga ad frida land sitt.'—It came to pass that Rerer went the circuit according to the custom of our kings, in order to settle and compose their country. —*Volsunga Saga,* c. 4.

† This is an ancient term in the Swedish Laws, and denotes a progress throughout the realm, *(æ,* whole, *rike,* kingdom, and *gata,* a way, road). 'Nu a kunung eriks gatu ridhæ.'—Now has the king gone the Eriksgata. *Upland. Kon. B.* c. 2, *apud Ihre.*

‡ The *missus regis* of the middle ages was the German *gesandt,* and the Norse *sendiman.* The *Missi* or sent-men were officers despatched from the palace into the provinces with full power to hear and determine causes, to correct abuses, and relieve grievances. There were several kinds, as the fiscal *missi,* tax gatherers; the *missi* of dukes and counts, and the *missi* of judges, who appear to have been a sort of apparitors.

§ Suprà, p. 240, 241.

A shell probably was the earliest drinking vessel, and a shell in A.-S. is *scealu*, Belg. *schael*, Germ. *schele*, Iceland. *skael*, Sw. and Dan. *skal;* but the Gothic *skaljos* was the tiling of a roof, either because shells first served for tiles, or tiles were in the form of shells, or lastly because they formed a shelter; in Sanskrit, *shalana*, a covering, *shalita*, covered, *shalitra*, a coverer, *shelterer*. Houses themselves in the sense of a covering were called *shalas*, and at present in Scotland *sheilings*. The skull may have been so named from its resemblance to the cup, formed of a shell, or in imitation of it; and hence the fables told among the ancients and repeated by the moderns, with the exception of Ihre, that the Gothic nations made drinking cups of human skulls.* Dr. Jamieson, in an interesting article on the Scottish word *scoll*, a health in drinking, says, "It is highly probable that a cup or bowl received that name from the barbarous custom of drinking out of the skulls of their enemies. Warnefrid says, that 'Albin slew Cunimund, and converted his skull into a drinking vessel, which kind of cup is with us called *schala*, but in Latin it has the name of *patera (l. 1, c. 27)*.' The same thing is asserted of the Boii *(Liv. l. 23, c. 24)*, and the Scythians by Herodotus *(l. 9)*, of their descendants, the Scordisci *(Ruf. Fest. in Breviario)*, of the Gauls *(Diod. Sic. l. 5)*, and of the Celts by Silius Italicus *(l. 14)*,—

> 'At Celtæ vacui capitis circumdare gaudent,
> Ossa, nefas! auro, et mensis ea pocula servant.'

Hence Ragnar Lodbrog, in his death song, consoles himself with this reflection: 'I shall soon drink beer out from hollow cups made of skulls.'"†

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* The equivoque is not confined to the European languages; the Sanskrit *sankha* is both a trumpet shell and a skull.

† Dr. Jamieson appears to have availed himself of the Latin translation, which is an amplification of the original:

> "Bibemus cerevisiam brevi
> ex concavis crateribus craniorum."

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"Not only," continues Jamieson, "is the meaning of this form (to drink a *scoll*), as it occurs in other Northern languages, preserved in ours, but the figurative sense is the same. As it has been seen that the Earl of Gowrie 'drank his *scoll* to my Lord Duke,' and that the 'king's *skole* was drunk' at the bridge of Berwick, we learn from Loccenius that this very phrase is used in the languages of the north, 'Illud nomen in his Septentrionalibus locis adhuc ita remanet *at dricka skala*, i. e. bibere pateram metonymice dicatur, quando labitur alicujus honori et memoriæ, quod ex vasculo freqentius fieri suetum, *noto* vocis indicat.'—*(Antiq. Su. Goth. p. 98.)* In compotations, says Ihre, the name of *skaall* is given to the memory of the absent, which goes round in the time of drinking, or more fully *dricka ens skaall.*"

That an individual may here and there have been savage enough to form a human skull into a drinking cup, it would be weak to deny; but that it was a common practice, as reported by the credulous Greeks, he may believe who delights in anilities. The fable has evidently been occasioned by the equivoke in the term for skull and cup; and the testimony of Ragnar Lodbrog, who uses the word *hauss*, a head, proves nothing, since he refers to his expectations in Valhalla. Even if we could apply the passage to a drinking cup on earth, it would not follow that the hollow *hauss* was human. To drink a round of skulls in English compotation, is to drink to the memories of the departed; and here the skull appears to be not the cup, but the said memories. The word *scullion* is, however, derived from

Scullion.

Lodbrog himself says nothing of cups or skulls:—

"Drekkum bior ad bragdhi
ur biugvidhum hausa."
Str. 25.

Shortly we shall drink beer
out of hollowed heads.

Hausskiel, the skull of the head, occurs in this poem.

shull, a drinking vessel, whence it would appear that we formerly used the term in the same sense as the Northern nations.

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Graff, Greve, Gerefa.

7. From the establishment of a *greve* of the palace, inadequately termed *comes palatii*, as regarded his judicial functions, though it may be correct with reference to his situation about the royal person, resulted a number of other *greves*, who cannot be considered in the light of *comites*, with the exception, however, of the *landgraff*, *marchgraff*, and *burggraff* among the Germans. The *hærgravius*, found by Loccenius in the *Chron. Asiat.*, appears from the composition of the word to have been neither the companion of the general, nor a judge of the army, but the leader or duke himself, at a time when there was little or no difference in dignity between the two titles. According to Selden, *Land*, in the title *Landgraff*, denoted a province or territory of somewhat larger extent than that of the feodal *graves;* and it appears from Schilter, that anciently the *landgraff* was called *landrichter*, a provincial judge, and that *graff* in the title is simply the name of the office. This is, in all probability, the original case of all the officiary appellations, and titles of dignity resulting from them, which end in *graff*, *greve*, or *reve*. The *landgraff*, as the judge and governor of a territory, must have been originally no more than the Saxon *scyrgerefa*, or *shire-reeve*, sheriff, for *scyr* is a province, and *gerefa* its judicial governor. This office was held by aldormen and earls, both military persons, and hence the sheriff, besides presiding over the shire or county court, had command of the military power within his district. The king's *heahgerefa*, or *highgreve*, seems to have been a functionary resembling the chief justice of England, and the judiciary superior of the *shire-reeves*, who were called *heah gerefan*, or *high reeves*, without the addition of king in respect of their precedency over the inferior *gerefan* of portions of their jurisdictions. Besides the *shire-greve*, the Laws of Edward the Confessor enumerate *greves* (for such is the orthography) of wapen-

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takes, hundreds, burghs, and towns;* besides whom were *Led* or *Letgreves*, *Trithingreves*, probably *Tythinggreves*; and, in the Saxon Chronicle, under the year 897, mention is made of a *wicgerefa* of Winchester, as an officer of high rank. It matters little that some of these, as the *tungreve* and *burghgreve*, came to denote the bailiff or constable of the kind of place or court to which his title of quality is affixed; for in their origin they must have partaken of the general signification of that title. The *ledgreve* must have presided over the Court Leet, the most ancient court of record in the kingdom with jurisdiction over all offences except high treason; the *tungreve*, though now considered the bailiff of a manor, must in like manner have been the judicial governor of the town, whether it belonged to an earl or the king; and the *burghgreve* must have been a similar governor of a burgh or fortified town. The German *burggraff* is no other than the count of a castle or fort; and the *boroughreeve* of Manchester must have derived his appellation from the castle expressed in the name of that town; while the *wicgerefa* of Winchester was obviously the governor of the *wic* or district, otherwise called the city.

Marquis.

8. Nothing can be more clear than that those who had frontiers exposed to hostile aggression, and had the means of defending them, stationed troops upon them for that purpose, allowing them the occupied land as a military feod, the usual stipend before the general use of money. To refer the origin of the *marchgraff*, translated *marquis*, to the imperial dukes and counts of boundaries,† is to go

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* "Greve autem nomen est potestatis; apud nos nichil melius videtur esse quam prefectura. Est enim multiplex nomen; greve enim dicitur de scira, de wapentagiis, de hundredo, de burgis, de villis." And after an attempt to explain the word by derivation, the writer supposes that the counts of the Frisians and Flemings were called "meregreves," because they had jurisdiction and government over others.—*L. Edw. Conf.* c. 32.

† Scythicl Limitis Dux; Rhetici Limitis Dux, &c.—See Selden, p. 299.

to the granary for the first source of wheat. "As the counts or *graves* of ordinary provinces," says Selden, "were generally called by their province, so such as were employed on the frontiers had the titles of *Marchio;* and *Marchgrave*, or *Marchese*, Italian. Sidonius Appollinaris describes the officiary dignity before the name *Marquis* was known:—

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—— Comitis sed jure recepto
Danubii ripas et tractam limitis ampli
Circuit, hortatur, disponit, discutit, armat;
In Anthemio.

and he observes that the word *marchio* does not occur in the empire before Charlemagne, who appointed governors by that name in Gascony."* It is scarcely possible that the office should have subsisted until the middle of the fifth century, when Appollinaris wrote, without a designation. The word *mark*, as the denomination of a frontier, is of the highest antiquity, and, connected with the title of an officer stationed upon it as a governor, it has been taken for a frontier exposed to hostilities as long as invasion and repulsion have been known. *Marchio* may not have been coined before the eighth or ninth century, but that word is only the offspring of a Teutonic title. The word *mark*, which with slight variations in orthography, is found in all the Gothic dialects; *marca*, Italian; *comarca*, Spanish, and not disguised in the French *marche*, English *march*, Old Scythian *marha*, is the same as the Persian *marz*, the limit, border, boundary of a country. By the addition of *ban*, a lord or warden, which is its signification *darban*, a gate keeper, it becomes *murzabān*, a governor on the confines of a hostile country, called *marzbum*, when named independently of the governor. Now the question is, whether the Gothic nations brought with them this Asiatic

It is Vadiamus, quoted by Wachter, who says that the Franks imitated the Romans, in the creation of this officiary dignity.

* Titles, p. 420, 421.

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title, in the form of *markbann* or *merkfan*,* like *burgban* (*burj*, a castle, and *ban*), or, as there is reason to believe, from the high rank which the marquis has always held, that he was a companion of the chief, they used *gisindo* with *mark*, and thus made it literally a *limitis comes*. The addition of *graff* must have taken place after the Germans began to consider it as a title above its import of judge, and equal to count.

Between this Asiatic title *ban*, and the English *banner*, or between the Gothic *fan*, and A.-S. *fana*, a standard, and also between *mark* or *march*, a boundary, and the Icelandic *merki*, a standard, there is a striking connection; but the application of the terms is different: the *banner* was the personal ensign of the *ban* or lord governor, and the *merki* was the standard of the country original planted on its confines, to distinguish the boundary which surrounded the property of the tribe. We have already ascertained the precise import of *ban* and its derivative *banner*, and it is worth while to take the same pains with a word which subsists in all the dialects of Europe and western Asia. At one distant period all this vast tract of land was covered

* This Oriental term has been widely circulated. *Ban*, among the Turks, Hungarians, and other people eastward, is the governor of a territory. From the Sanskrit root BHA, to shine, came *bhanu*, in Sanskrit, the sun, and *banu*, in Persian, a prince; the Gothic *fan*, used in the Gospels of Ulphilas, for lord, gives the A.-S. *fana*, Germ. *fahn* and *vahn*, and English *wane*, now a weather cock, because it occupies the place of the ancient banner, which is the meaning of the three preceding words. But *bhanu*, a prince, and *bhanu*, the sun, that is, the shiner, are also so connected, that, without intending a pun, this may be said to be the most illustrious of titles. There is, however, another root, BHAS, to shine, which also signifies threaten, and hence we see the peculiar force of the barbarous Latin words *bannum*, an edict, *heribannum*, a mulct of neglect of military duty, *bannire*, to issue an edict, publish *banns*, *banniri*, to put under *bann*, to *banish*, and some others, which are commonly deduced from the old German *bann*, a lord, without attempting to explain the manner in which *bann* came to bear that signification. The connection between *bhanu*, the sun, and the deity, *Pan*, affords an illustration of Dr. Grimm's law of transition, by which the classical P = Goth. F = Germ. V and B.

with forests, whose human tenants were little bands of hunters, in Sanskrit called *margas*, and who, like the North American red men, would very naturally denominate the place of their regular abode a station, Sanskrit *sthanam*, Lat. *statio*, Germ. *stadt*, A.-S. *stede*, and would find an application for the country around it, from the character in which it was of most importance to them as their hunting ground. *Mark*, *mearc*, and *march* denote a country as well as a boundary. In Sanskrit, *maryya* is a boundary or limit, and it is manifestly connected with *mark*, to make go, prepare the way, make a road; *margana*, a search, *marga*, a road, *morga*, a hunter, *margika*, a deer killer, hunter, a traveller. The modern Persic *marz*, a boundary, is the same *maryya* and *mark*, while the Old Scythian or Thracian *marha* denoted the standard.

The primitive hunters having chosen their stations, would at first adopt natural objects as their landmarks; but where rivers, mountains, remarkable trees and stones were wanting, they would place artificial marks. These might be stakes set on the ascertained line at intervals. In time they would be ornamented and carved with the heads of Gods, and animals sacred to Gods: such were the terminal deities of the Romans; and when Tacitus says that the Germans carry into battle the figures and standards which they have taken out of their groves,* he seems to allude to standards which had been employed in this manner, and which were the marks or military ensigns of all the Germanic nations,† some of whom long retained the Latinized

* Effigies et signa quædam, detracta lucis, in prælium ferunt.—*Mor. Ger.* c. 45.

† And Sarmatia, where the standard of war in the fourth centnry was denominated *Marha*: "Quidam ex illis furore percitus truci, calceo suo in tribunal contorto, 'Marha, Marha,' quod est apud eos signum bellicum, exclamavit, eamque secuta incondita multitudo, vexillo elato repente barbarico, ululans ferum, in ipsum principem (scil. Constantium Imper.) ferebatur."—*Amm. Marcell.* l. XIX, c. 2.

According to Tacitus the German mark was a boar, and Captain Wilford

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Sanskrit appellations of *Marcomanni* and *Quadi*, as if hunting continued to be their occupation.*

The placing of banners upon fortresses on the borders of a country, and upon the outer walls of castles, is derived from this primitive and necessary use of the hunting standard. He that in early times had the command of the borders or the border fortress, had the *mark* delivered to him as his warrant of authority, and was called a *marchio*, marquis, or in Norse, a *merkisman*. The national standard was peculiarly the standard of the monarch.† It would be delegated to none but a man of the first distinction, and hence it came that men of high rank, though not standard bearers, were styled *merkismen*.‡ This general title, imported by the Longobards into Italy, was the original of the *Marchese*, which, and not *markgraff*, or the Low Lat. *marchio*, is the original of the French and English *Marquis*. The Romans, instead of applying the title to mortal uses, devoted it to *Marica*, the tutelary nymph of the *margo*, seashore, or forest boundary.

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mentions the very curious fact of a tradition of the Hindùs "that Varaheswara [the boar-lord, an epithet of Vishnu, the sun] once reigned in the western countries, where they believe his posterity still live in the shape of white *varahas* or boars.—*Asiat. Researches, vol.* III. *p.* 378. Helmets in the form of boars heads, and armour covered with the shapes of hogs, are common enough in Beowulf; but Tacitus is probably mistaken in saying that the Germans had this form on their ensigns in veneration of the great mother, the animal being every where sacred to the sun. Our word *boar* is the A.-S. *fearh*=*porc* Fr. (from Lat.)=*varaha*, a boar, Sanskrit; for the A.-S. *ea*=*o* long.

* *Mark-o-men*, hunting-men, hunters: *Quadi*, (the Sanskrit *v* or *w*= Lat. K+V) are *Vadhas*, hunters. *Vadha* in Sanskrit, and *veiddi* in Norse, mean the same, hunting.

† 'Eptir thetta sagdi Heidrekr thionum synum firir ætlan syna, ok lætr tha setia vp merki sitt, ok veitr Haralldhi kongi atgaungo.' Afterwards Heidreck told his ministers his resolution, bidding them to set up his standard, and attack king Harald.—*Hervarar Saga, c.* 11.

‡ See the extract from the Hirdskra, in a note, p. 271. In the Ynglinga Saga, c. 40, we read that Ingialld Illrædi invited to a great feast, kings, earls, and other *merkis-men*. See also *Olafs Saga, c.* 18, 62, 136.

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Banner Lords.

The *merkisman*, and consequently the *marquis*, was what was termed from the other appellation of a standard, a *banerherr* or banner-lord, by which was meant a nobleman who had the privilege of raising his own standard, while *banersman*, in Old Swedish at least, was only a standard bearer. Anciently there was only one banner in an army, unless when taken from the enemy, another was borne as a trophy. When king Harald overcame earl Hakon, he commanded "bædi merkin," the two banners to be carried before him.* So when several kings or princes, who are notably bannermen or lords, were united in war, there might be the standard of each. Of this there was a remarkable instance in the army which queen Margaret led against king Albert, when she had three banners borne before her, for her three kingdoms of Sweden, Denmark, and Norway, while Albert was preceded by a still greater number, as having several princes in his forces.† Dr. Jamieson seems to regard the Scottish *banerer* as the representative of the Swedish term.

That there was very early a distinction between a noble who might and one who might not erect his own standard, may be inferred from the high importance which warlike nations attached to their banner, and which long continued in the German empire, where fiefs of the higher degrees, as principalities, duchies, and *graffschafften* or counties, were conferred by the presentation of a certain number of ban-

* Heims Kringla, I, p. 147; apud Ihre.

† The words of the smaller Rhyming Chronicle, quoted by Ihre, are—

The Swenske kommo forst a° then bana
Med sa° ma°ngen ærlingen fana
Af thesse try rike baner,
Æn hade the Tyske ma°nge fler
Af hertuga, grefwe och banerherra.

The Swedes came first in the array
With so many noble flags
Of these three realms the banners;
But yet the Germans had many more,
Belonging to dukes, to counts, and bannerlords.

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ners.* The origin of this custom is no doubt to be traced to the use of the standard in determining the property on which it was erected, and giving to the officer in charge of its defence, a title derived from its own appellation of *mark.* When the duchy of Bavaria was surrendered into the hands of Frederick Barbarossa, in 1156, in order to the advancement of the marquisate of Austria to a duchy, the surrender of it was made by the delivery of seven banners, and the creation of the duchy by the presentation of two. The investiture of the duchy of Bavaria in the duke of Saxony, was made by the same seven banners, each denoting, originally, a place won by battle.† The poet Gunther, in reference to this emperor's giving a kingdom to one brother and a duchy to another, mentions the delivery of a banner on occasions of investiture as an ancient ceremony:—

> "Ergo ubi vexillo partem, quam diximus ille,
> Hoc autem gladio regnum suscepit ab ipso;
> Hunc etenim longo servatum tempore morem
> Curìa nostra tenet."

The act of delivering the banner appears to convert the fief into a sovereign jurisdiction. The territory so honoured was called a *fahnlehn,* or banner-feod, which appears as *Vanlehn* in the Golden Bull of the emperor Charles IV. in 1356. If the prince invested by the emperor with a fief of this value, were a bishop, the presentation was made with the imperial sceptre, which he was required to touch, and the fief was then called a *Zepterlehn.*‡ This ceremony, which superseded the ancient mode by ring and pastoral

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* Imperator confert cum sceptro spiritualibus, et cum vexillis secularibus, feuda omnia illustriæ dignitatis.—*Spec. Saxon. l.* III. *n.* 30.

† The Chron. Picturatum says absolutely a grand engagement was denoted by the banner, and if so, it explains the custom and term of *striking the flag.* "Hertog Wilhelms to Brunswick seven Banren van seven hövet Strieden, &c."—*Script. Brunsvicens. t.* II, *p.* 419.

‡ 'Der kaiser sol lihen allen gastlicken Fursten in reht mit dem Zepter, und allen weltlichen Fursten mit dem Vanen.'—The emperor is to invest all spiritual princes in their right with the sceptre, and all temporal princes

staff, was not always quickly dispatched; for at the investiture of the archbishop of Metz, no fewer than fifty banners were presented to him. The number, however, is only a proof of the tendency, in ceremonial matters, to run into excess, for originally a single banner was a sufficient representative of the country delivered. This appears from the custom that when a prince, who was present at an investiture, had pretensions to the fief about to be conveyed, he signified his claim by touching its banner. An instance of the latter occurred in 1530, at the investiture of the dukes of Pomerania, to which the elector of Brandenburg laid claim.*

The banner, called by the Germans *fahn* and *van*, or *vahn*, was manifestly named from *ban*, a lord, and is found in the Anglo-Saxon compound *gudhfana*,† the *gundfahn* of the Germans, and *guntfano* of the Italians, all signifying the same thing, a war banner, the *n* being an addition in all but the Anglo-Saxon. From a passage in the *Roman de Rous*, it appears that the *gonfanon* was attributed to barons, and the *penon* to knights:—

> "Li barons ourent goufanons,
> Li chevaliers ourent penons."

According to other passages quoted by Du Cange, the *gonfanon* was a flag suspended at the end of a spear or lance:—

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with the banner.—*Jus. Provinc. Aleman.* c. 116. One passage in these notes appears to be a translation of the other; both have been transcribed from writers on the subject.

* Selden, Titles of Honor, p. 338-341.

† From the Sanskrit root YUDH, to fight. The whole A.-Sax. word seems to be Oriental. Dr. Bosworth, in attempting to derive the A.-Sax. adjective, *god*, good, from *gudh*, war, observes that the latter is a "contraction of *ge* and *udhr*, rage, fury in battle, Odin." In this etymology there are more errors than can be conveniently noticed. *Odin* is not derived from any Icelandic word, nor can *udhr* be taken as the parent of an Anglo-Saxon word. *Udhr*, rage, fury, may be related to *gudh*, through the root YUDH.

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"Balsse la lance où li gonfanon pent."
Roman d'Aubery.

"A lances sont li gonfanons pendus."
Ibid.

Apparently the difference between the *penon* and the *gonfanon* was that while the latter was square, the former had wings, tails, or pinions, which were cut off when the knight was made a banneret, or the bearer of a smaller kind of banner. But though both were war banners, the persons privileged to use them were not of the rank of *baner herren* or *merkis menn.**

Lords Marches.

9. The old English Lords Marches are truly *markgraffs* and *marquisses,* with a vernacular appellation. Their power upon the borders of Wales and Scotland was not to be exceeded by that of the greatest count palatine instituted by William the First, for the very same purpose of defending his dominions against incursions. The Welsh Marches are supposed to have been settled by the Saxons as a barrier against the Britons. The *lords marches* appear to have been earls, and held their courts severally in their jurisdiction, until Henry III. fixed a court at Ludlow; which, says the compiler of "*Documents connected with the History of Ludlow,*" was continued till William III., after the death of the earl of Macclesfield, thought fit to divide the government between two peers of the realm, with titles of lord lieutenant of North and South Wales, and dissolved the court, which used to consist of a president, as many counsellors as the prince pleased, a secretary, an attorney,

* The *banderia,* the standard of the middle ages, appears to have been formed from the Longobardic *band*-um of the same signification *(Paul Warnefrid, l.* I, *c.* 20*),* which is not as Du Cange supposes, the Persian *band, fascia,* a band or ligature, but the Gothic *bandwo,* a sign. *Bandi,* Gothic, corresponds with the Persian; and *bandwo* with the Arabic *band,* a large standard, a legion or army of ten thousand men. From the Gothic verb *bandwjan* it seems probable, however, that the *band, fascia,* is the primary meaning, then, a number of men banded together, then, the name of their standard, and lastly any sign or token. These terms are connected with the Sanskrit *bandh,* to bind, unite; *bandhata,* a band of kinsmen.

a solicitor, and four justices of the counties of Wales. In their respective courts, the Lords Marches had power of life and death; "and in every frontier manor a gallows was erected, and if any Welshmen came over the boundary between them and the English (then Saxons), they were taken up and hanged; every town within such Marches being furnished with a horseman, armed with sword and spear, maintained on purpose to take them up: and if any Englishman was caught on the Welsh side, he suffered the same fate, such was their antipathy to each other; for the Welshmen counted all lawful prizes they took from the English. For this reason houses were frequently moated round, and palisadoes or stakes set round the edge of the moat to make a stronger fence, into which place the inhabitants every night drove their cattle for better security. If a Welshman could get a stolen horse or cow over the bar, he cried out 'My own!' and further the horseman dared not follow, or they would have hanged him." Their authority was abolished by a statute of Henry VIII., in which they appear to have been incorrectly styled *Lords Marchers*.*

Senior, Senhor, Seigneur.

10. The Spanish *senhor*, French *seigneur*, and Italian *senior*, are unquestionably words of the same origin and import, but that any of them is even remotely connected with the Latin *senior*, an old man, is very doubtful.† It may

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* So spelled by Blackstone, who cites the statute.—*Comm.* I, 397. *March-er*, a man of the *march*, is not incompatible with lord; but the meaning of the title is not a lord marcher, but a lord of the march, as in the Persian title *murzaban*, and the German *markgraff*.

† Menage seems to have given currency to this false derivation, which however, is very ancient *(See p. 32, n.)*. Speaking of the title *sire*, he says that it "undoubtedly comes from the Latin ablative *seniore*, because people advanced in years have at all times borne the first dignities, witness the word πρεσβευτης, among the Greeks, and *senatores* among the Romans. The writers of Low Latin used *senior* and *seigneur* for a lord. Cujus, in the preface to his book on Fiefs, says that *vasallus* is represented by *dominus*, which is also called *senior*, though the man might not be advanced in years, in the same way that we say *senator* and *presbyter*, rather out of custom,

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be considered as an established fact, that under the feodal system, every nation had its banner lords, or persons privileged to bring their tenants into the field, under their own respective standards. In old Spanish *senna*, or *senha*, and also *śenheria*, signified a sign, token, standard, whence *senhoria*, a lordship,* and *senhor*, a baron; now what are these but words formed upon the Latin *signum*, whence *insigne*, a military standard? The Italian, which rejects aspirates, and as much as possible the nasal sound, is indeed spelled in the same manner as the Latin, but the signification of its *senior* is that of the Spanish *senhor*, represented in old English as *signior*, as well as the old French *seigneur*. And in middle age Latin, *senior* was not the adjective, but a modification of the nasal appellation. With this explanation it is not difficult to understand why the title of *seigneur* was attributed to the Carlovingian princes, who were elected "seniors" before they were called by the voice of the people to the throne.†

Signum is very commonly derived from the Greek *sema*, a sign, standard,‡ but both are Sanskrit in origin, and very different words. *Sima*, a limit, boundary, border, furnishes the Greek, and very likely the Latin *limes*, but not *signum*, which is *sanjna*, signs, symbols, characters, terms. Hence *insigne*, a standard, primarily refers to the characters

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than in regard to age." "From *senior* we have made *seigneur*, whence the Italians have made *signore*, and the Spaniards *sen'or*. From *siore*, a contraction of *seniore*, we have made *sieur*. Of *siore*, the Italians have made *sire*, of which we have made *sire*." This is sad blundering. The Longobards took *sire* into Italy; the Burgundians and Franks took it into France. With respect to the Greek *presbuteros*, senior, on which many rely for support in the explanation of *senator*, as the dignity of an aged person *(Hoffmanni Lexic. Univers. t.* IV, *in voc.)*, it appears to have become a title by using a sibillant in place of the aspirate *bha*, in the Sanskrit *prabhuh*, a lord *(Suprà, p.* 209*)*.

* *Senhoria* occurs in the sense of *senheria* in a charter of the date 1293. "Tenere possint si voluerint vexillum seu senhoriam per tres dies naturales in signum majoris dominii."—*Du Cange, t.* IV, *c.* 376.

† Annales Fuldenses, An. 887, &c.

‡ Encyclop. Britannica (New Edit.), art. Philology, p. 392.

and marks, the devices formed either with the staff, or upon the flag or pendant, which it might carry. The *insigne* of the Romans was properly the eagle itself.

Constable and Marshal.

11. There are two appellations of officers of very high rank, both in the royal household and in the state, the *Constabl* and *Marshal,* in the former of which alone the title of count appears; but there is no doubt that very early, though perhaps not originally, the *marshal* was also a companion. Both terms are connected with the stable and its brute inmates. From the etymology of *constable, comes stabuli,* companion of the horse stall or stable, we learn little more than that the office was filled by a person in the household of a sovereign. It is perfectly clear that *constable,* which Wachter believes the Franks to have used when they instituted the office, could not be the term employed by any German people before the great irruptions into the Roman provinces; and it is equally evident that a warrior chieftain had a number of horses, animals to which these people were, as their descendants continue, particularly partial, he would have grooms, and those grooms would be under separate government. If a Roman emperor had a master of horse, and if Charlemagne found it necessary or ornamental to have a constable, then under some other name, the predatory chieftains of the north, induced by like pride, or more probable necessity, placed their horse-stalls under similar management. Though the precise word, by which such an officer was denoted, may not be detected, there are abundance of terms, and some customs, that smell strongly of the primitive stable.

Marshal.

12. It has been sufficiently seen that the appellations given to officers among all the Teutonic or Gothic race, were significant of their duties, or in some way or other connected with them by very sensible ideas. Paul Warnefrid has preserved the designation of the Longobardic curator of horses, and it literally signifies the horse-boy, as does the *hestasvein* in the ancient herberg or palace of the Scandinavian monarchs. The appellation referred to is

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marpahis, from *mar*, the general Teutonic appellation of horse, and particularly of a war horse, the reason of which is probably found in the Sanskrit root MAR, to sound, in reference either to its voice, or the sounding of its hoofs. The other part of the compound is an Oriental word from which the Greek *pais*, Turk. *peck*, Sw. *poike*, and our *boy*, the Italian *paggio*, and the French and English *page*, have originated. This word in the Persian is *bach*, a child, a boy, a youth, a servant, which in the plural, *bachagān*, denotes also the young of any animal, and is connected with the verb *bachakāndan*, to drop, distil. Boxhornius notices that *bagoes* was the appellation of the attendant on a king in Persia and Macedonia; but it is unquestionably the same word. All these words must be referred to the Sanskrit *bhaga*. *Marpahis* is, therefore, horse-boy and horse-page; but the officer denoted by this appellation was a person of note. Gisulf, the nephew of Albino, was his horse-page before he was appointed by that monarch to the government of Friuli, which soon afterwards became an independent duchy;* and a horse-page is represented as accompanying king Cunibert into the Senate.† Warnefrid translates the word *strator*, the strewer of the litter, and this may have been originally the duty of the page, but certainly it could not have been discharged by the person just mentioned.

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In Scandinavia, the horse-page was denominated similarly in signification, *hestasvein*, horse-swain, youth or servant, and from passages in the ancient Sagas, appears to have been a person of high rank about the herberg or palace.‡ Attendants of this kind are called *adelschalks*,

* Alboin Gisulfum, ut fertur, suum nepotem, virum per omnia idoneum, qui eidem strator erat, quem lingua propria marpahis appellant, Forojulianæ civitati, et toti regioni illius præficere statuit.—*P. Warnefr., de Reb. Longob. l.* II, *c.* 9.

† Ib. *l.* VI, c. 6.

‡ 'Annad sinn kemur Reiginn ad mæla vid Sigurd, og mælti, kinlegt or thad ad thu villt giorast hestasvein kongs, edur fara hlauprar.' On another

noble servants, in a decree of Tassilo, duke of Bavaria, for the regulation of their weregild, which he directs to be estimated as if they were at home with their parents, but the weregilds of others were to be taken according to the law of weregilds.*

The Germans call their attendants on princes *edel knaben*, noble boys, *i. e.* pages. As to the word *page*, which appears to have come to us through the French, as its cognate and synonyme, *boy*, from the Swedish, Dr. Richardson quotes the following passage from Horne Tooke:—"As servants were contumaciously called *harlot*, *varlet*, *valet*, *knave*, so they were called *pack*, *patch*, *page*." Meaning that *page* comes by vulgar use from *pack*, through *patch*, he produces the two instances below to show that the office was not originally an honour, and derives the word from "A.-S. *pæcan*, to pack, and consequently to impose upon."† But Warnefrid's authority sets the original force of the word beyond doubt. The *mar-page* was a military man of the first importance; and in the old French Romances, the term *page* is still military; and is applied to an attendant on a knight, but not to an esquire,‡ for in all probability it denoted a youth (the Persian *bach*). In France, however,

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occasion comes Regin to talk with prince Sigurd, and said to him, 'Is it (more) natural that you should become king's horse-page, or go about like runners?' (be at liberty.)—*Volsunga Saga*, c. 22.

* "Servi principis, qui dicuntur adelschalke, suum habeant weregeldum, juxta morem, quem habuerunt sub parentibus et ceteri minores weregeldi juxta legem suam."—*Apud Ihre.*

† "Our lyege lorde the Kyng hath power and freedom of a page for to make a yoman."—*Dives & Pauper*, 1st *Comm.* c. 17.

"I had rather be torne with wild horses then any varlet should have wonne such lots, or any pages or pricker should have had the price (prize) of me."—*Hist. of Kinge Arthur*, c. 97.

‡ Du Cange illustrates this application of the word from Will. Guiart, anno 1301:—

"Metent à mort es herberjages
Chevaliers, escuyers, et pages."

And the Chronicle of Bertrand de Guesclin:—

"Son bacinet faisoit à son page porter."

as in England, it was at an early period bestowed only on persons of a low condition; and in the former, the assistants of tilers were called their pages.* The diminutive of *page*, *Paget*, which is the sirname of a noble family, occurs in one of our Monkish Chronicles.†

Gower employs the term *Horse-Knave*,‡ as if it had fallen into contempt even in his time :—

And everie hour this freshe Maie
These lustie lads ride aboute,
And I must nedes sew (follow) her route,
In this maner as you nowe se,
And trusse her halters forth with mee
And am but her horse knave.

Confessio Amantis.

Ammianus Marcellinus applies the word *strator*, to the person who took care of the imperial horses, who could only have been so called originally from strewing the litter. In the Salic Law the *strator* is placed between the *mariscalcus*, marshal, and the smith or farrier, so that he was probably under the direction of the marshal, whose title resembles that of the *mar-page*, and means a horse-servant. In the Alamannic Law, if a marshal, having the care of twelve horses, were slain, the weregild was forty shillings, which was the amount of the composition for the death of a *seneschall* over twelve servants, and a swine-herd over forty hogs.§ This implies a much lower rank than held by the Longobardic and Norse horse-page. Spelman remarks a difference between the marshal and constable in the

* In the Salic Law even a king's boy or page is classed with a person of low rank. "Si quis puer regis vel lidus, &c."—*Tit.* xiv. *n.* 6.

† "Anglici perdiderunt nisi duos sagittarios et unum pagettum."—*Henr. Knyghton*, *An.* 1342.

‡ Wachter says that *knab* implied a youth, a belted soldier; and with *adel*, a page. In older German it was *knaph* = *gnav-us* Latin. The word *horse* appears to denote the *neigher*, as *mar* does the *sounder*, from the noise of its hoofs. Our *horse* is the A.-S. *hors*, Germ. *hross* and *ross*; and *resh* and *hresh* are both Sanskrit roots denoting to *neigh*.

§ Tit. 79, n. 4.

time of Charlemagne, equal to that between master and servant: there were several marshals, and but one constable. He was appointed by the prince, and they received their office from the constable. After the Carlovingian race of kings, the constable does not appear to have rejected the appellation of *marshal;* and thus it has happened that the latter has been attributed to the commander of the royal army instead of *constable.* By a like confusion of terms, *strator* was afterwards substituted for *marshal,* in the case of Robert de Montfort, the hereditary marshal of the Norman army.

That *marshal* was originally an appellation of no great repute, is evident from several circumstances, besides the disparaging classification in the Alamannic Laws. Of these the principal fact is, that the word is used to denote very low offices, as well as the high one of Earl Marshal. Mere farriers are called *mareschaux,* in France; and Matthew Paris, an. 1252, uses the word *marischalcia,* as the place for putting up horses. Madox cites a record of the reign of Edward II., by which it appears that Thomas de Warblynton held the manor of Shirefield in chief of the king by the service of being *mareschall* of the whores in the king's household, of dismembering condemned malefactors, and of measuring the galons and bushels in the king's household.*

In Germany, the duke of Saxony, as arch-marshal of the empire, discharged the humble duties of *hostler;* in Low Latin, *abatis,* and French *avenor.* The Golden Bull of Charles IV. directs that the duke shall attend on horseback in the yard of the palace in which the emperor resides, and with a silver staff in his hand, and a silver measure, each of the weight of twelve marks of silver, supervise the measurement of oats for the imperial stables. As soon as they are heaped up as high as the breast of his horse, *Avenor.*

* Lyttleton, Henry II., *t.* IV, p. 50. Was he a *carnifex* and *henchman*? —See *p.* 250.

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he shall take a measure of oats, and deliver it to his vice-marshal (of Papenheim), or to the marshal of the palace, who serves the horses.* Feeding the horses was, therefore, another original duty of the marshal. The Germans, however, call the *avenor* or hostler a *marstaller*, and our equery seems to be no other than the *hostler* and oat-measurer.

Hostler.

Among the Anglo-Saxons there was a king's *horse-thegn*, horse-minister, who was a person of high rank,† and who, since Ælfric renders *prebenda avenæ* by *fætfillere*, the measure filler, could not have been an *avenor* or oat-server. He may very truly, according to the import of the words, have been what is now termed master of horse, for master of horse servants, and so have been the equal of the imperial constable. Selden translates the title *hors-thegn*, in Latin, *strator*, and in English, master of the horse. In old Swedish the commander of cavalry was called *marsch*, which Ihre considers to be a contraction of *marskalk*, a marshal. As elsewhere it came to be a high dignity, and borne by persons of royal birth. When king Karl conferred the office upon Canute, who succeeded to the throne, he gave him a white staff, as is mentioned with much minuteness in the Rhyming Chronicle:—

Konungsen fick honom en hwitan kepp
Och Marskens embeti thermed.

The king gave to him the white staff,
And Marshal's office therewith.

Four marshals of the household of Henry II., whose wages were increased when they made *herbergerie* on the king's business, may possibly have been the original of the "king's Harbingers," in the old ballads of Robin Hood. The *Farrier*, taking his name from *ferrum*, iron, was no other than the horse-shoer, whom the French and Dutch call a *marshale;* and *ferrura* is explained in a charter of

Farrier.

* Aurea Bulla, c. 27.

† Chron. an. 897.

Henry V. to be the office of shoeing horses.* From this office, of which the duties were probably at first performed by the occupant, the noble family of Ferrers derived its name.

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Treasurer.

13. Among the palatine officers of the empire was a *comes thesaurariorum*, or treasure companion, *i. e.* a treasurer. No Teutonic word preserves this appellation in connection with the attributive of dignity *comes;* yet no people had more occasion for store keepers than the northern freebooters, who, themselves perpetually engaged in predatory warfare, were exposed to the same evils which they inflicted on others. The trust reposed in such a person, necessarily implies intimate contiguity to the chieftain, and therefore little need arises to suppose the office to have been borrowed from any similar institution in either the old or the lower empire. In Anglo-Saxon, the treasurer was the *hordere*, whence our *hoarder*, one who has a *hord*, hoard or treasure; and in old Norse, he was called a *fiehirder*, which literally denotes a *cattle-herdsman*,† and in a secondary sense a *treasurer*. The employment of this last term in connection with cattle, takes us back into the pastoral age before the use of money, and we are led to observe the sameness of the change which took place in the Gothic and Latin terms for cattle in a collective sense. The F in the Gothic *faih-us*, Norse *fieh*, A.-S. *feoh*, cattle, became V in the Old Germ. *vihu*, N. Ger. *vieh*, and P in the Lettic and Old Prussian *pecku*, and Latin *pec-us*, cattle; the H of the former also becoming the K of the two latter.

* Scias quod assignavimus te ad tot ferra et clavos equorum, quot pro equis stabuli nostri, in præsenti viagio nostro, ferrandis necessaria fuerunt, ac fabros et ferrum, et omnia alia quæ officia ferruræ necessaria fuerint sui quamdolibet opportuna.—*Rymer*, *Fœd. t.* ix, *p.* 250.

† 'Hann fann eirn mann er hiord hiellt—tha tok fiehirdarinn hrædast.' He found a man who was grazing cattle—then the herdsman took fright.—*Hervarar Saga*, *c.* 7. 'Rændu oc brændu thar bygd alla, enn drapa menn oc fie, oc alt thad quikt var.' They plundered and burned all the towns there, slaying man and beast, and every thing that was living.—*Ibid. c.* 10.

It matters little which language is considered the elder; for this very agreement, by conversion, proves only a common origin, the Sanskrit *paçu*, a beast. Mr. Wining, in his essay on the origin of the Sabines, has all but proved them to have been Prussians and Courlanders.* The Gothic *faihus* does not occur in the sense of cattle; but the other words do commonly enough, as well as in that of money, whence our term *fee*, for pecuniary reward or offering. When king Alfred translated Orosius, the meaning seems to have been in a state of transition; for he uses the phrase *licgende feoh*, lying *fee*, for still property, as money, treasures, and furniture, *magnum auri pondus*,† and so on; and *gangende feoh*, walking fee, and *cwic feoh*, quick or live stock, for cattle generally. The Latin *pecunia*, money, is a recent formation from *pecu-s* or *pecku*, the cognate of *feoh* or *feh*, by the addition of the nasal termination. With respect to *hord*, and *hordere*, it may be observed, that in Gothic, *haird-a* is a herd, and *haird-eis*, the herdsman, which takes as its equivalent *heord*, a herd in A.-Sax. (air=eor), and therefore this word is not connected with cattle. On the other hand, the Gothic *haurd*, a door or gate (au=ō), gives the A.-Saxon *hord*, and *hordere*, a treasurer, must in the first place have denoted a door-keeper, the *darban* or door-lord of the Asiatics; while *hord*, a treasure, is simply that which is kept shut up. The Latin *thesaurus*, a treasure, is so evidently connected with the Sanskrit root *dhā*, to keep, preserve, and *sris*, fortune, that an expectation of finding a like word under the canon of transition, would not be unreasonable though ungratified. Ælfric explains it in his Glossary, by

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* Manual of Compar. Philology, P. III, c. 4, p. 264 ff.

† Oros. Cott. MS. Tiber. *B.* I, *fo.* 31 *b*, 50, 51. *Pecunia*, perhaps by mistake, is used for *pecudes* in the Alamannic Laws *(tit.* 74*)*, and this very Saxon expression, "pecunia viva," (*cwic feoh*,) occurs in the Laws of Edw. Confessor, c. 10, and Will. I, c. 9.

feh gerefa, which etymologically denotes rather a collector of money than a purse-bearer, its signification.

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Commodore.

14. The English title, *Commodore*, given to a naval officer, is to be referred to the class of companions, notwithstanding the assertion in the etymological dictionaries, that it is derived from the Spanish, and signifies a commander. A *commodore* is not, etymologically, a commander, but a companion of a commander, namely, an admiral, while the title of commander is otherwise appropriated in the department of military service.

Comdorii, in the military and feudal ranks of the 13th century, occupied the station between *viscounts* and *varassors* among the people of Chalons, Gevaudan and Arcyron. The name is obviously the Latin *comitores*, which, as the frequentative form of *comites*, requires no remark. This title occurs in the will of James of Arragon, printed by D'Achery (*t.* ix, *p.* 200), and cited by Du Cange: "Et cum comitibus, vicecomitibus, comdoriis, vasvessoribus et aliis militibus civibus, &c." Why such a term should have been selected for the English sailor is not very clear. In the Salic Law (*tit.* 2), we find a military leader styled *ducarius*, of which the reason was probably that *dux* was already appropriated to the highest rank, and that this was to denote the next in command. In the imperial court, under Constantine, sea officers called *ameralii* (ameralioi), or admirals, occur in precedence of *drungarii* and *comites*. We know that *consul* was often used for *comes* or earl of a shire by the English writers of Latin in the middle ages; and before the Eastern word *admiral* was adopted for the commander of a fleet, *consul* is mentioned as corresponding with the oriental appellation, by Matt. Paris, in 1272.* A few years afterwards, William de Leyburne, by patent

Ducarius.

* Gloss. t. II, p. 789. Spelman considers this to be the first occurrence of the word in English history; but Robert of Gloucester, who wrote a few years before this date, uses it. Speaking of a defeat sustained by the Saracens, he says:

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dated 15 Edw. I., 1286, was constituted "Admirallus Maris Regis." But when Matthew Paris wrote, the title was captain and warden of the sea—"Capitaneus et custos maris," in the charter of Thomas de Middleton, dated 3rd Jan., 48 Henry III., or 1264. It may have been that this captain and warden was considered a sort of consul, and so was a *comes* by courtesy, and that, on the introduction of the new title, the next in rank was styled his *commodore* or lower companion in command, for that is the sense of *comdorius* and *comitor*.

Admiral. In Arabic, says Spelman, *amirom* is a leader, and with the article, *al-amiro*, a chief captain. Mention of four *prætors* of the Saracens, called *amarœi*, occurs in Sigebert's Chronicle, in the year 630. Our Milton prefers this orthography, in applying the term to a ship:—

> His spear, to equal which the largest pine
> Hewn on Norwegian hills, to be the mast
> Of some great ammiral, were but a wand.
> *Parad. L.* I, 294.

Vavassor. According to the classification of James of Arragon, the commodore should be the next inferior to the viscount, which with ourselves and others is a baron, considered as an individual or special title, and *vavasor* or *valvassor*, a gentleman who holds his fee of a baron. Some feudists, says Spelman, derive the word from *vasallum;* and others, more probably from *valvis*, "quasi ad valvas stantes," because they waited at their lords gates on festivals when the people came to pay their respects. Spelman suggests the A.-S. *wal*, (weall) a wall, as if they were *valvasores*, constituting a rampart of defence, and repelling enemies from

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> " ——— Tuelf princes ther were ded,
> That me clupeth amyrayls —— "
> *L.* 402.

and again, *p.* 407:—

> " An amyrayl there bysyde, that an castel waste,
> Geld hym up to Cristine me though he nuste warto truste."

the gates and entrances of the realm.* These etymologies are very erroneous, but not more objectionable than many others of the same age. What one would expect to find in the term is a reference to the chief characteristic of the *valvasor*, holding his fee of a baron, the vassal of a vassal, or the vassal of a chieftain; and if we followed the example of seeking words to suit a particular meaning, it would be exceedingly easy with such words as *wald*, power, *wealda*, a chief, and vassal, to produce the term wanted. *Valvassor* is not a compound; but since it is isolated in Low Latin, nothing can be learned from its French and English derivatives. The Spanish orthography, *vasvessor*, in the will above quoted, which has occasioned the notice of the term where it has no just claim, is the same as the *vasvasour*, Engl. *vavasor*. The proper orthography is *valvasor*, whence *valvas-in-us*, the diminutive, both implying a servant, and derived from the Sanskrit *varivas*, service. The lingual *r* in this language, when it is not retained in the corresponding Persian, Greek, Latin, Lithuanian, Gothic, A.-Saxon, and O. High German, always becomes an *l*, and thus *valivas*, contracted *valvas=varivas*, and with the ordinary terminations *or* and *in*, *valvasor*, *valvasin*. The *valvasor* appears to have been the servant of the chief tenant of the sovereign, and to have been paid in the same manner as his superior, *i. e.* with a portion of that superior's feod or fief.

* Gloss. p. 549.

CHAPTER X.

Titles from personal accidents and attributes.

1.—Baron. 2.—Man, 3.—a vassal. 4.—Barones, farones, varones. 5.—Vir. 6.—Richmen or barons. 7.—Highmen, nobility. 8.—Goodmen, fighters, knights. 9.—Boni homines, prodes hommes. 10.—Laird. 11.—hersir. 12.—frey herr. 13.—barne. 14.—beorn. 15.—sire, siresse. 16.—sennorio. 17.—Knight. 18.—child, baba, infanta; dans, donzello. 19.—Bachelor, chevalerie. 20.—haigstalders, haistaldi. 21.—Esquire. 22.—shieldbearer, sergeants. 23.—Gentlemen. 24.—Vavasor, vicedomini, vidame; franklin. 25.—Commoner.

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Baron.

1. It has been seen that the barbarians, preferring their own forensic terms to those which were familiar to the Romans, employed *baro* and *barus*, instead of *vir* or *homo*, when they intended *man* in a peculiar sense. The reason of this preference of vernacular to foreign words is easily understood, but it is not equally evident why they did not Latinize *man* in the same manner instead of *bar*. Whatever that reason was, it has operated upon the two terms so effectively, that while one continues to denote the human species, the other has become a title of honor.

Man.

2. There is a radical affinity between *bar* and *vir*, and between *man* and *homo* (ho-min-is), which they did not perceive, though a discrimination was made when *homo* was taken to represent *man* considered as a vassal. The former is only the latter augmented by the Sanskrit *su*, well, good, which, according to Mr. Wining, became FU, whence the transition to HU, HO is an occurrence sufficiently common.* *Man* in Persian, is this Gothic *man*, on which

* This etymology seems to have been formed to suit his Sabine theory, but it is not objectionable, although not very necessary, since nothing is

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the Foreign Quarterly Reviewer of Jäkel observes "We consider the word *man* as in some degree a *crux etymologogorum*, and the Professor has not solved the difficulty. Two suppositions have been made out; first that the root of *ho-min* is in the second syllable; secondly, that it is in the first *hom*. No doubt the root *m-n* is found in almost all the languages. It occurs in many Sanskrit words, and seems always to mean the divided, reasoning creature, &c. In this sense the very word *man-aw-a** is found. Hence the names Menu, Menes, Minos and the like, denoting law-givers; hence also *mens*, μηνη the moon, with many other words the scholar may class for himself, and hence also the A.-Saxon and English *man*." That the simple meaning of *man* is the conscious or knowing animal, is clear from the Sanskrit *măn*, to know, mind, understand, whence *man-uh*, a wise and learned man. But Menu and other names belong to the root, *mān*, to judge, honor; and possibly both roots are deduced from *mnā*, to learn by heart, study, that is observe and remember, in which knowledge consists.

Man,

3. *Man* having this signification, is radically irrespective of sex, and so it is found in all the languages. It was taken to mean a vassal, because military service in person might be commuted, and in the case of a female tenant, either dispensed with or performed by proxy.

a Vassal.

4. A brave man or *hero* in primitive times was a strong man. The Ajax (*Aias*, Gr.) of ancient fable, the bravest and strongest of the besiegers of Troy, was a poetical personification of the quality implied in his name,—the Sans-

Barones, Farones, Varones.

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more common in language, whether antient or modern, than the interchange of the sibillant with the aspirate. The digamma seems to result from a defective aspiration in *fumo* for *homo*. If the A.-S. *guma* be the same word, there is a stronger departure from the Sanskrit *su*.

* Manava is the offspring of Manu, a man, which is also a proper name, the Mannus or Mann of the Germans, in Tacitus, and Manavina is man-(v)ing, relating to man or Mannus, and like the English sirname Manning.

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krit *aujas*, strength.* The Romans, Goths, Germans, and Scandinavians, when they intended to express a man as distinct from woman, employed the same word varied in each language according to the ascertained law, and that word is a derivative of the Sanskrit root *vira*, strength, power, whence *vira*, a hero, and *var-man*, armour, in the same ancient language. A different etymon is assigned by Sanskrit grammarians, who class *vira* with a number of words which are said to be deduced from their alleged roots by the addition of the letter *repha*, and in this vague manner they derive *vïra* from *aj*, go. *Varman*, armour, where *man* is only the common grammatical termination, is manifestly referable to the same *vira*, as implying a strong covering of defence, or a strong weapon. The reason that a strong man and a brave man were considered the same, is obvious. The strong man could not only bear the weight of armour, which the foe by no effort could penetrate; but he could wield weapons which no armour worn by inferior men, could resist. Such a man was therefore able to overcome a multitude of the enemy, and so was deemed a hero, a word also connected with the Sanskrit *vira*. On this consideration, it appears to be more natural to connect *vira*, a brave man, with *vira*, strength, than with *aj*, to go or shine. In much the same manner, a connection is perceptible between the Arabic *bat-sh*, strength, and *bat-al*, a champion; although Mr. Richardson adduces this very word *batal* as illustrating with the Persian *batal*, cutting, separating, the difficulty or impossibility, which he maintains to exist in discovering the connection of words in these languages by the ear or eye. The difficulty is frequently experienced, but the impossibility can be affirmed only when the intermediate links of a connection are ascertained

* Properly *ojas*; but the Sanskrit long *o* is a compound of *a* and *u*; and in the Indo-European class *au*=*o*, from *oj*, to be vigorous.

to have utterly perished.* Words of like sound are produced by the same organs, and must originally in related languages, have expressed the same conception, which, in process of time, gives birth to a figurative sense, whence other terms may arise. The last of the derivations will appear to have no affinity in signification whatever with the original conception, but if the form of the conception be preserved or discernible, the connection may be affirmed, although its precise nature cannot be declared. In the case of the Persian, *batal,* cutting, and Arabic *batal,* a champion, are not so widely remote as the Oriental lexicographer imagines. The occupation of a champion, a soldier, a hero, is cutting and killing, and to pursue it with success he must be endowed with great bodily strength. The Arabians appear to have used *batal* in reference to this quality, and the Persians to have taken it in a figurative sense.† With respect to the rule which has produced the suspicious etymology of *vira,* from *aj,* if words, significant of ideas, are to be accounted for by the addition or rejection of letters, in order to accommodate them to a law, which is

* Between the Persian *khâher,* a sister, and the modern German *schwester,* a sister, there seems to be as little connection as between *schwester* and the Latin *soror,* a sister: yet nothing is more certain than their common and direct relation to the Sanskrit *swasri,* a sister. The Sanskrit *sw* becomes *kh* in the corresponding Persian words, and the *s* becomes *h.* In a great number of Latin words, an *r* appears in the place of the ancient *s,* and the contrary, and it is not improbable that in the Latin of Numa, *soror* was written *suosor.* In the Ossetish *cho,* a sister, is a contraction of *chorra,* where the *ch* like the Persian *kh* represents the Sanskrit *sw,* and if we may suppose *swosor,* we have a word not much unlike the A.-S. *sweostre,* a sister, and if a *sworra,* a word not unlike *soror.*—See *Pott, Etymologische Forschungen,* I. *p.* 71.

† The Arabic word agrees with the Sanskrit *bhadilah,* a hero, or servant, which Sanskrit grammarians refer to the root *bhad,* to prosper, be happy; but considering the signification of the Sanskrit, Persian and Arabic terms, its more probable etymon is *bath,* to be strong, or even *vath,* to be able, possess ability. The *d* and *th* in these words are palatal and cannot be correctly represented in English characters. Our word *battle,* which we have from the French, appears to belong to this class.

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subsequent to the perfection of speech, we might derive *coach*, after the same manner as *vira*, from *ah!* the interjection of admiration or surprise at the first sight of the vehicle, by merely adding *co*, and interposing a *c*.

Vir.

5. Vossius perceived the peculiar force of the Latin *vir*, when he attempted, on the erroneous principles of philology which prevailed till within a few years, to derive it from *vis*: "*A vi*, non quod *vi agat feminam*: sed quod *major in eo vis* quam feminis." Isidorus also referred the Latin *baro*, a mercenary soldier, correctly enough to the Greek "βαρυς, gravis, quia sunt fortes,"* but he mistook similarility of orthography for a proof of etymology, and he blundered in supposing that the Latin term was derived from the Greek adjective. They are cognate words, and their agreement is radical. The Sanskrit *virah*,† which Mr. Wining gives as *viras*, though the *visarga* denotes an *h* and not the sibilant, was received into the European family of languages in the sense of a strong man, and varied in them accordingly as each dealt with the mute initial and the vowels. This is most remarkable in the Gothic, where the *guna*, or reflective influence of the final *a*, has produced the dipthong *ai* in *vair*=*vir*, a man. In Lettic and Old Prussian, *vyr-a* appears to be the Sanskrit scarcely altered, and in the Lithuanian, *vyr-s*, the *a* is entirely dropped, to receive a syllable of formation, independent of the root. The V of the original becomes of F or B and W in the other languages, and hence there is no difficulty in recognizing the prevailing idea. In fact the different words constitute two families of collateral descendants from the

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* Mercenarii sunt qui serviunt accepta mercède, iidem et Barones Græco nomine, quod sint fortes in laboribus: βαρυς enim dicitur gravis, quod sit fortes barones.—*De Orig. l.* IX. *c.* 4. *Ver-a*, S.=*Bar-us* Gr.

† Hence *Virasaya*, (the hero's sleep), is the name of the plain on which Indra is said to have been conquered by Gangeyanas the son of the river Goddess, Ganga; and hence too the title of the vanquisher Viranja-jit, the conqueror of the hero, or Indra.—See *Asiat. Researches*, *v.* III. *p.* 430.

same stock. Taking *vira*, strength, to be the root, we have the following genealogies, in the arrangement of which, respect is had only to the conformity of the consonental initial:— CHAP. X.

VIR*ah*, S. a strong man.
VAIR*ya*, Zend. Gr. H'ERO?

VIR, Lat. man or husband.	BAR-*o*, Lat.
FIR, A.-S.; FIRR, O. Norse; FAR, Burgundian.	VAIR, Goth.; VYR-*a*, Lett.; VYR-*s*, Lith.; VAIR and VAR, Span.
BER, Norweg.; BAR, Longob., Ripuar. and Frank.; BÆR, O. Germ.; BER, O. French.	WER, A.-S.; WEHR, Germ.

The Norse *fir-r* is the same as the Lettic and Old Prussian *vyr-s*, the syllable of declension being always interchanged, and the same as the A.-Saxon *fir*, which also appears as *feor-h*. *Firar*, strong men, heroes, is explained in the Glossary of the Edda, to be guardians of the earth, but even in the poem in which it is found,* it denotes no more than *viri*, strong men, heroes. The Burgundian *far* occurs in the Latinized form of *farones*, answering to the like form of the Spanish *varones*, that is, *barons;* and as the original seat of the Burgundians was Bornholm, a corruption of their own name Burgenda Holm, the island of the Burgundians, the word is manifestly the same as the Norwegian *ber* and *bar*, and the older Norse *firr*. The Gothic *vair* is no more the whole word than the Latin *baro;* both take a nasal consonant in oblique cases; thus *baro, barones* plu., and *vair, vairans* plu.; so also *far* and *var* make *farones* and *varones*,† whence the conclusion is inevitable, that the immediate ancestor of the word *baron*, is the Germanic form of *vir*, namely, *bar*, a man, strong, as distinguished from woman; free, as distinguished from Romans and serfs.

Barones. Both forms, *bar-i* and *bar-ones*, occur in the Barbaric

* Hindu Liodh, 3.

† Varones occurs in the Spanish for men, *i. e.* soldiers:—
"Entendio Alexandro luego las volentades,
Dixoles: y a Varones quiero, que ne oyades."

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codes, where they are unquestionably their own forensic terms adapted to the Latin context. In the Salic Law, "baronem" and "mulierem" are put in opposition; and in the Ripuarian law, "feminam" is contrasted with "baronem." In the same code, "barum" opposes "feminam." In the Ripuarian code, "Si quis morttaudit barum aut feminam,"* any man and any woman are intended; while in the Salic Laws, "Si quis baronem de via ortraverit," is followed by "Si vero mulierem ingenuam,"† so that the *baronem* was also *ingenuum* or well born, that is a Salic, not a Roman, and therefore free and noble. The same sense is attached to the Ripuarian, "Quod si quis hominem regium tabularium, tam baronem quam feminem."‡ Again, it is to be noticed that the *barus* of the Ripuarians corresponds with the *baro* of the Longobards, both being employed to designate one of themselves: thus a law of the former runs: "Si ancilla fuerit, solvat sol. 1. Si barus fuerit, similiter. Si servus fuerit medium solidum;"§ and a Longobardic enactment is, "Si quis homicidium perpetraverit in barone libero vel servo."‖ Thus the same agreement is found between the Latinized *bari* and *barones*, as between the Latinized *farones* or *varones* and the Gothic *vairans*; and the old scholiast on Persius had noticed "barones vel varones," as existing in Gallic,¶ by which we must understand German or at least Gallo-Belgic.

Thus much was necessary to explain the source of a word, which has unaccountably been considered of uncertain etymology; as to the thing denoted by it, there is

* Tit. 76. By some mistake, Spelman, in quoting this law, has "mortandit," which has no meaning. Mr. Cruise has not only copied the error, but mistaken the codes.

† Tit. 34, n. 1 & 2.

‡ Tit. 58, *de Tabulariis*, n. 12.

§ Tit. 95.

‖ L. 1. tit. 9, n. 3.

¶ Gallorum lingua barones vel varones, dici servos militum, qui utique stultissimi sunt, servi videlicet stultorum.—*Cornut. ad Pers. S.* v. *apud Du Cange.*

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little difficulty. Before the body of an army consisted of soldiers, that is of mercenaries and hirelings,* every citizen capable of bearing arms was a warrior. All fighting men were strong men, and hence they were *vairans, firar, weras,* or *baren,* according to the dialect which they used. The "barones nostri," in the Longobardic Laws,† denote those fighting men who were directly employed by the king, about his person, and who received from him sustenance in kind, or its representative, the means of sustenance in land, in a subsequent age known to the Latin writers as their feodum or food.

But where every fighting man, and every holder of land under terms of military service was denominated a *baron,* it necessarily happened that the more considerable sought a means of distinction. In England, all the manorial lords were barons, who were bound by their tenure to assist in parliament. The number was too great for convenience, and by and by only the more powerful barons were summoned. From this circumstance arose the distinction of Greater and Less Barons, which is fully explained by Sir Harris Nicolas, in his useful *Synopsis of the Peerage.* Other countries experienced the same necessity, and adopted the distinction,‡ which they also expressed in a different manner, and it is remarkable that the greater barons fell back upon the general appellation, *man* and *homo.*

Richmen or Barons.

6. In Norse *rikr,* and in A.-S. *rice,* powerful, from the Sanskrit *ragh,* to have power, combined with *man,* served for the purpose of denoting a person of eminent rank.§ The A.-Sax. *rice* is the French *riche* and English *rich;* a

* There can be no reasonable doubt of Staden's derivation of soldier from *selen,* to give, deliver, offer, and that it is the cognate of the English *sold.* The word 'soldurius' is used by Cæsar, *(De Bell. G. l.* III. *c.* 22,) and means a soldier for hire.

† L. I. tit. 13.

‡ "Varones majores," in the will of Ramirez of Arragon, about 1062.

§ See p. 179, 180.

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rikr man or *madr*, and a *rich* man, was a powerful man. In the History of Hervor, it is equivalent to *hofding*, th captain, chief or governor of a province.† Gestr Blindi, i some Sagas designated a king, was the name of a rich ma in Gothland, who was the king's most formidable enemy. He was the sovereign of that which is now a province, an named after him Gestricia, that is *Gests ricki*, or *Gestsrick* Gests power, or seat of power, namely, his kingdon When it was known at Drontheim, that Harald Harfag was appointing earls over the subdued provinces, "the many rich men (rikis menn) sought king Harald, and b came his vassals."§ The historian of the Feroe Islan describes Earl Hafgrim, the *hofding* of Suthrey, in term which show a distinction observed between a rich or powe ful man, and a mere man of wealth.|| In the Bavaria Laws, about the beginning of the sixth century, the ric man is translated "homo potens," and denoted a man o whom the grave or fiscal judge was unable to distrai without the assistance of the duke.¶

The Goths brought this title of *rich man* with them int Spain, where it long served to denote the second order barons. In the fourteenth century, the laws of the Corte

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* King Alfred, in translating the words of Orosius "sequitur discess plebis a patribus," uses "rican men and earmran," the rich and poor men, that is, the nobility and commoners.—*Fo.* 97.

† 'Nu er Suafurlami spurdi fall fod[r] syns, tok han under sig ryke tha allt til forrada, er fader hans hafdi att, ok vard rykur madhr.'—Now wh Swafurlami heard of his father's death, he took under his power for a g vernment, all that his father had possessed, and became a rich man,- namely, a man possessed of a rike or kingdom.—*Herv. S. c.* 2

‡ Giestur Blindhi het madhur rykr i Gautlandi; hann var hinn me ovin kongs.—*Ib. c.* 14. *fo.* 12.

§ Enn er thetta spurdhiz um Thrandheim tha soktu, til Haralds kon marger rikis menn, oc giorthiz hanns menn.—*Haralds ens Harfagra Sag c.* 6.

|| 'Rikr madhr ok hardhfengr, audhigr at fe.'—A powerful and stro man, wealthy in substance.—*Færeyinga Saga, c.* 4.

¶ Lex Baioar. tit. v. n. 8.

were passed by the king, "with the assent of the prelates, the *ricos omes* or rich men, *i. e.* nobility, and the deputies of cities and towns."* These, in the century preceding, were styled "omes buenos," (good men) in the public; but in the succeeding centuries they were separated, and the terms stand in the order, nobles, knights, esquires and good men.† Du Cange quotes a letter of Charles the Fair of France and Navarre, creating Alfonso of Spain, his "baronem et ricum hominem;" and he observes that in the kingdom of Arragon, the barons were the *rici hombres* or rich men, that is, such as could bring a large number of vassals into the field, for they had received this notion of the word together with the word itself from the Goths, with whom power and a multitude of followers were synonymous, and those who possessed them were rich men. In the same sense, the Franks called such nobles as brought standards and vassals into the field, rich men. *Rícos hómes,* in the old Spanish Laws denoted the higher grades of the nobility, the earls, counts and barons of other nations.‡

Heie Men, Nobility.

7. The same class were called in old English 'heie men,' that is, high or great men, equivalent to the *grands hommes* or 'grandees' of the continent:—

> "At Londone a parlement, and heie men mani on
> Ther lokede tho that alle that armes bere
> Agen the king in the warre, other agen him were
> At Northamtone, at Lewes, other at Evesham,
> Barnn, erle, other knigt, burgeis, other fre man."§

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* Con acuerdo de los perlados, e de ricos omes, e procuradores de los cibdades e villas.

† Fijos dálgo, cavalleros e escuderos e omes buenos.

‡ 'Ricos hombres segund custumbre de Espanna son llamados los que in las otras terras dizen Condes o Barones.' Ricos hombres, according to the custom of Spain, are those whom in other countries they call Counts or Barons.—*De la Partida, l.* x. *tit.* 25. *p.* 4.

§ Robert of Gloucester, p. 562.

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Goodmen, fighters, knights.

8. The term *good man* was commonly applied to the smaller baron in other countries besides Spain. To understand this appellation in its Gothic sense,—for the Latin *bonus homo* is no more than a translation of it, whence the French, Italian, and Spanish terms used in the same acceptation,—we must remember that the virtue most esteemed by warlike nations is courage, and that in all the Gothic dialects, the word *good* signified bold, brave. "There were slain," says the Saxon Chronicle, "Athelstan, the king's relation, Oswy, his son, and many other *good thegns*."* Just so in old English we have "moni other gode knygtes," and —

"Eustas erl of Boloyne and mony god knygt therto."†

In this situation it could not mean otherwise than brave, for nobility is implied sufficiently in the term *thane* and *knight*, and it would at that time have been superfluous to use *good* in the sense of noble, which it afterwards received. This consideration is an answer to those who please themselves with the idea that *god, good,* and *God,* the supreme being, are the same word. Independently of that, it is justly observed by the reviewer of Grimm's Teutonic Grammar, in Blackwood, that "the words are essentially distinct: the radical vowel in the name of the Deity being a short *u* [*a* he should have said], while in the adjective for *good*, it is a long or double *a*. The true etymology of the Divine name is still a dark and disputed question." The adjective *good*, in the sense in which it was originally understood by the Gothic nations, appears to have been founded upon the Sanskrit *ghut*, to strike in return, while *good*, Goth. *guds*, virtuous, seems related to *gud*, to preserve. Although *ghut* affords a natural explanation of *goodman*, the Sanskrit *yudhmah*, a warrior, (*yuddhman*,

* Thær wæs ofslægen Æthelstan thæs kynges athum, and Oswig his sunu—and feala othra godra thegna.—*Ann.* 1010

† Robert of Glousester, p. 393.

war), bears so close a resemblance that the claim of *ghut* is not immediately acknowledged. It will be remembered that *yudh*, to fight, was shown to be the original of the A.-S. *gudh*, war, and that in the other Teutonic dialects, an *n* is inserted, *gund, gunni;* now if *yudhmah* were the original of our *goodman*, we might, from analogy, expect *gundman* and *gunnman*, which is not the case, for the Norwegians wrote *gudheman*, and the old Germans *guotman*. There is, however, a great probability that *judex*, originally a military officer, is connected with *yudhika*, one that lives by his sword.*

With respect to the concluding observation in the critique just quoted, it may be answered that when we find that the Sanskrit *god*, to thunder, gave the epithet of *Gadi* to Vishnu, we may doubt whether there is any obscurity in the etymology of our name of the Supreme Being. There is no impiety in ascertaining the true meaning of a word, considered only as a word. It is not shocking that the Latin *div-us*, contracted *de-us, di, us*, and the Greek *the-os* and *ze-us*, should have their origin in the Sanskrit *devah*, a god, that is, an inhabitant of *div*, the sky, and that this very *div* was probably suggested by the cry of the hawk. The people who invented words, were not theologians, and they may surely be excused, if, considering thunder to be the awful voice of their maker, they denominated him from the circumstance, by which he most strikingly manifested himself to their apprehension.†

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* *Judex* and *judicium*, are commonly said to be compounded of 'jus dico,' a sort of etymology like that of gallows from ' they *gall-us*.'

† After all, it was a pity to disturb the Gothic etymology, but a word without a meaning is valueless, and in philology a false meaning cannot be retained. One of the Edinburgh Reviewers produces the following line of words as presenting resemblances: *Sans.* devat, *Pers.* khoda, *Germ.* Gott, *Engl.* God *(vol.* XIII. *p.* 374*);* and others have been induced to pronounce decisively for the Persic. Besides the grosser material conception of this word, there are philological objections to its adoption as the etymon of *gudh* and *god*. In the first place the Pers. character *khe*, is a gentle mo-

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The short *a* of *gadi* became the long *u* of the Gothic *Gudh*, and the long *o* of the A.-S. *God;* while the short *u* of *ghut* was retained in the *guds* and gods of the former, and the *god,* good, of the latter. We do not find the Gothic word in any other sense than these two, *good,* vir-

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dulation in the throat, difficult to any but a native, and would scarcely be supplied by the strong guttural; *god* is one of a class of words which people did *not* borrow from each other; in the third, supposing a transmission to have taken place, the second syllable would have been retained, as it is long and emphatic. A word formed from *khoda* would have been *hoduh-s.* We gain nothing satisfactory or pleasing by this erroneous etymology. *Khoda,* also written *khuda* and *khuday,* is connected with the Arabic *khudari,* very black, a black camel, a black cloud, and *khudarit,* a dark night, a black eagle. Blackness is the essential idea of *khoda,* and the oriental deities were black as negroes. The awful aspect of a dark cloud, the precurser of a storm, no doubt originally suggested this idea of the celestials. The appellation of *gadi,* from thunder, is liable to none of the preceding objections. It is not a borrowed term in the Gothic dialects, for it is almost incontestible from the perpetual affinities of words and the internal structure of the languages, that the Gothic or Germanic nations, who are better classed as Sakasens, spoke dialects of Sanskrit. If they did not retain the radical signification of *gudh* and god, it was because they found a loftier destiny for it, and because they universally concurred in employing the word *thunder,* which appears in Lat. *(tono), tonitru;* Germ. *donder,* Norse, *dunr,* Sanskrit *s-tanita,* which also appears in the forms of *stun,* astonish, (thunder strike), &c. The English or Saxon aspirated word seems to be related to the Sanskrit *dhwana,* a great noise, a din, in the compound *abbhradwhana,* the sound of the clouds. Men can name beings, which are not the objects of the senses, only by means of the terms which they originally applied to matter and its properties, to objects of their senses and to their qualities. If it were possible to invent a word without relation to the matter, it would recal no idea to the mind; it could not create one; and it would be of no use. Cabalistic words, and the barbarous compounds of the old logicians and the *memoria technica,* are only the representatives of other words, and therefore come within this observation, and are really significant, at second hand, of sensible ideas. This necessity of language exonerates the etymologist from favouring the errors of materialists. If he is so successful in his researches as to detect the sensible idea of abstract terms, he does not prove that what we talk of is matter, but that matter is the vehicle of our thoughts. We should reason very erroneously indeed, if we inferred from the radical import of *gadi,* that the Brahmans believed that god was thunder, or thunder a god, or that he, whom they believed to have created the universe, and for whom they had innumerable names

tuous and *good*, noble, of which the reason is undoubtedly the nature of the only literary production in that language. But even in the latter acceptation we may detect a derivative meaning from *ghut*, to strike in return, for to be distinguished in war was to be notable, and therefore noble.

In its first application, then, Goodman was a bold fighter; in its second, it denoted a nobleman, whence it descended to become an humble, if not contemptuous appellation.

Among the epithets of a martial prince in Beowulf, none occurs more frequently than *gudh-cyning*, a war king:

Swa sceall gudh fruma	So shall a war prince
gode gewyrccan	work for his good
fromum feoh giftum	with wise fee-gifts
on fædre feorme	in his father's support
thæt hine on ylde	that to him in his age
eft gewunigen	again may resort
wil gesidhas	his chosen nobles
thonne wig cume.*	when war shall come.

There is a striking resemblance to the ear, in the words *gudh*, war, and *good*, brave, but this passage decides on Anglo-Saxon principles against Dr. Bosworth's derivation of

derived in like manner from the sensible manifestations of his power, was one of his own creating. One of the most sublime passages in the most sublime of oriental compositions is constructed solely on this same notion of thunder being a manifestation of the deity: "He directeth the sound, that goeth out of his mouth under the whole heaven, and his lightning unto the ends of the earth. After it a voice roareth; he thundereth with the voice of his excellency; and he will not stay them when his voice is at hand. God thundereth marvellously with his voice; great things doeth he which we cannot comprehend."—*Job*, 37.

Having neither intention nor desire to mislead on a subject of such high interest as the name of the Supreme, I beg to state the opposite opinion of M. Diefenbach in favour of the Persian *khoda*, which in the following classification he makes equivalent to the Sanskrit *swadatta*, self-created:— " *Osset.* chudav = *Dugor.* chtsau = *Pers.* khodâ = *Kurd.* chudi = *Afghan.* chudai, from *Zend.* khadatta=*Sskr.* svadatta=sebstgeshaffen."—*Heideberg. Jahrsbuch.* 1839, *p.* 456, *n.* Had men no name for God before they began to reason upon his mysterious nature?

* Introd. l. 39.

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one from the other. The words are brought together, an found to be distinct; we are, therefore, sent back to th primitive meaning of *good*, prompt in battle. This was th first virtue of a people whose existence depended upon thei bravery, and the word virtue itself, radically denotes th possession of those bodily powers, by which a man is capa ble of becoming good. In the Gothic Gospel, as befor observed, we find the word only in its secondary or deriva tive sense. Joseph of Arimathea is styled *guda raginei* "an honourable counsellor" (*Mark*, xv, c. 43), and certain nobleman (*Luke*, xix, 12), is *manna godakunds*, man of good, that is, noble race (*gods*, good, and *kun* family, race). But what we do not find in Gothic, is com mon in the other dialects. In the famous German ode, o the victories of king Louis, composed in the eighth century *guotman*, a goodman, is unquestionably a term of nobility

Ther ther thanne thiob was
Ind er thanana ginas ;
Nam sine vaston
Sidd warth her guotman.

He who then was a robber,
and therefore of no account,
took his fastnesses,
and afterwards he was a nobleman.

Schilter renders the last line "ex quo factus is nobilis." In some cases the word is used like *barons*, to denote th nobility,—

Sina goda mæn læt han sammankalla.
His goodmen he ordered to be summoned.*

This application of the term is found in the public act of Norway, down to the fifteenth century; and in a declaration of rights, the *godhe mæn* of Norway complai that they were not summoned to parliament by writ o messenger from the king. The addition of *good*, in th

* Chron. Rhythm. p. 343, apud Ihre.

sense of doughty or valiant, to the title of knight, was also common: thus in the poetical fragment on Charlemagne:

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> Ther site was under göten knechten
> Sie kunden wole uehten.
> *V.* 2372.
>
> The custom was among brave knights,—
> They knew how to fight well.

Boni Homines.

9. The "boni homines" of the Latin writers were knights: "Capti sunt usque ad numerum xxc bonorum hominum vel circiter militarium."* This was written in the thirteenth century; but with the loss of the warlike meaning of *good*, the title sank into disuetude among military men, and finally subsided into the lowly appellation of a husbandman. In Scotland, it designated the tenant of the feodal lord of a manor. Sir Geo. Mackenzie says, "And this remembers me of a custom in Scotland, which is but lately gone into disuetude, and that is, that such as did hold their lands of the prince were called *Lairds;* but such as held their lands of a subject, though their lands were large, and their superior very noble, were only called *Good Men,* from the old French word *bonne homme,* which was the title of the master of the family."† The scientific herald does not seem to have been aware that the title was as military and as honorable in its origin as any in his book. According to Dr. Jamieson, a *Goodman* is a proprietor of land, and so a *laird;* and he quotes the following decisive passage from Melville's Memoirs, p.

* Chron. Comit. de Marca, apud Wachter. *Gudemans,* among the ancient Germans, were men of the equestrian order, according to Meibomius, the editor of Levold de Northof, quoted by Wachter. In Denmark, under Valdemar, who reigned from 1157 to 1182, *Gode Mend* are ranked after the *Herrer* or barons, in his Birckerætt, or Rights of Citizens, as revised by Christopher IV., granting that, "Danmarkis rigis undersaatter, Biskoper, Prælater, Herrer, oc Gode Mend artfueligen at haffue fult oc tilhört,"—that the subjects of the kingdom of Denmark, bishops, prelates, barons, and goodmen, *i. e.* knights, by hereditary right, shall have free possession.

† Science of Heraldry, p. 13, 14.

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122:—"As for the Lord Hume, the Regent durst not meddle with him, he standing in awe of Alexander Hume, of Mauderstoun, Couldinknows, and the goodman of North Berwick, and the rest of that name were boasted with very proud language." This, he says, is the same person before mentioned, in connection with "divers other barons and gentlemen."* The same writer finds *Gudame* in a ballad which was printed in 1508:—

Good Dame.

"My Gudame was a gay wif but scho was rycht gend."

The English counterpart was *good wif, goodif, Goody.*

Proud Men.

Preuds Hommes.

Another appellation emanating from military, and akin to goodman, is *probus homo,* a contraction apparently of the phrase "præliis probatus homo," a man tried in battles. Leland, the antiquary, gives an abstract of an old Chronicle, in which it is said that "This Fulco for nobilitie was communely caullid *Proudhome.*"† The French used *preud homme, prode home,* and *preux homme,* in a like sense. The Spanish *proeza* is the French *prouesse,* and our *prowess;* but *preud, preudesse,* Ital. *prodezza,* are Gothic importations, not mutilated like the Spanish. The word does not occur in the Ulphilean fragments, but its form as an adjective would be *prauds,* the *prauda* of the Sanskrit, the *prudi,* magnificent, of the Norse, the *prud* or *prut* of the Anglo-Saxons, and our *proud.* A *preud homme* is a proud man, but in the middle ages a man of prowess; and says Jacob, "*Prodes Homines* is a title frequently given in ancient records to the *Barons,* or other military tenants,

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* Etymol. Dict., art. *Gudeman.* A record in Jamieson's Popular Ballads, I, 109, 111, is also given:—

"The 16 of Juuii (1603), Robert Weir broken on ane cartwheel with ane coulter of ane pleuch, in the hand of the hangman, for murdering the Goodman of Warristone."—*Burrel's Dairy,* p. 61. The same person is called the Laird of Warristoun, and Lord Warristoun. Subsequently, it appears, a goaler was adorned with this title; and the Goodman of the Tolbooth had an Under-Goodman.

† Collect. vol. I, p. 237.

who were called to the king's council, and were no more than *discreti et fideles homines*, that gave their counsel and advice according to the best of their knowledge." Discreet and loyal they might be; but from the Norse use of *prudi*, the law term had probably reference to possessions and station in society. The Sanskrit *praudah*, proud, appears to be connected with the root PRID, to rejoice, be joyful; and the first application of *preud*, *prode*, or *proud*, to a baron or military tenant, was the result of his splendid appearance in the field.

Buonomini

According to Mr. Robinson, the Italian *Goodmen* were mere farmers; but their term, like the French *bon homme*, is nothing more than the Latin translation of the Northern appellation. That writer says, "Under the feudal system, vassals were called the *men* of their lords. When slavery and vassalage began to be done away, farmers and tenants continued to be so called. They who rented the lands of a bishop, continued to be called the Bishop's Men, and such as rented the lands of the city, were called the Men of the City. The word *good* signified useful, profitable, convenient. *Buoni Huomini* or *Buonomini* signified countrymen, farmers, husbandmen, vine dressers, olive growers, useful members of society. Even to this day, in many English villages, *Goodman*, sounded *Gooden*, and *Good-wife*, sounded *Goody*, is the village dialect, and in this sense precisely was the word used in Italy.*

Laird.

10. The Scottish *Laird*, being the English *lord*, was truly a baron, and it is so used in the public acts of the fifteenth century: "Qha sa vis not the said archarie, the laird of the land sall rais of him a wedder, and gif the laird rasis not the said pane, the kingis schiref or his ministers sall rais it to the king."† Pinkerton, however, says, "The *lesser lairds*, corresponding with the English lords of

* Ecclesiast. Researches, p. 456.

† Acts of James I., 1424, c. 20.—Jamieson.

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manors, form such a singular and amphibious class in the Scottish parliament, that they excite curiosity and disquisition."—"In England, the Baron was a lord, a peer; in Scotland, he was only a man of landed property."* All persons holding manors of the king were barons, before the great distinction was made between the Great and Less Barons or Valvasors, just as they are now all Lords, though not all peers.†

Hersir.

11. *Hersir* was the Scandinavian title corresponding with the English *Baron*, which, it is observable, is not used vernacularly by any other nation of Gothic or German descent. He was the next in rank to the earl, and it was enacted by Harald Harfager, that every earl, appointed to govern a province, should have four or more *hersar* as his assistants, to each of whom he granted twenty marks for sustentation. Verelius and other learned men differ respecting the origin of this term, which for the most part they regard as connected with *herad* or *hundred*. But the *herads* were governed by kings, until they were superseded by earls. There is a mode of examining the term, which has been overlooked. The final *r* is the grammatical syllable of formation, and therefore, *hersir* cannot be divided into *herr*, army, and *sir*, a lord, as suggested by Resenius.

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* Hist. Scotland, vol. I, p. 359, p. 363.

† Lords of towns are classed after knights, by Robert of Brunne, p. 277:

——"Thre erles, thre barons,
And mo be five score knyghtes and lordes of touns."

This writer is very irregular in his orthography of the word. Sometimes he has *lauerd*, (like the Saxon Chronicle, an. 675.) Sometimes *lauerid*, and at others *louerd*, whence the transition to *lorde* is direct. *Lorverd* is found in Robert of Gloucester, p. 441 and 442:—

"Heo was to prout agen hyr lorverd, vor her heyenesse,
Vor heo was eyr and kynges dogter and eke emperesse."

The immediate connection between *lavord*, *laverd*, and *hlaford*, should decide the question raised among English etymologists, as to the origin of the former. They may observe a similar process in the A.-Saxon *laferc*, producing the Scottish *lavrock*, and English *lark*, and old English *laverk* having intervened.

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It is *hersi-r*, and in this form it seems to be the Sanskrit *irsa*, a governor, with an aspirate.

Frey Herr.

12. The German term for *baron* is *Freyherr*, and generally supposed to be compounded of *frey*, free, and *herr*, lord or master. But what this *herr* is, whether a part of the title *her-zog*, a duke, or an independent derivative from the same original has been disputed. In Anglo-Saxon it was *hearra*, in old Norse *herra*,* and in Frankish and Alamannic, *herro* and *heroro*; and if the supposition respecting *freyherr* be correct, there were some of these barons free, and others not free, or slaves, which is absurd. The term has not, therefore, been truly explained. All these titles are military, and refer, not to the possession of land, which originally was not cared for, but to the people whom the titled leaders conducted from place to place, wanderers and freebooters, until they made or found a settlement. We have seen that the Gothic *harjis* was the oldest form of the German and Saxon *here*, army or people, and that the leader of the host was called the *heretoga* or *herzog*. From the same Sanskrit root *hrĭ*, implying forcible seizure, which produced the name of the army, came also *hearra* and *herro*, which has subsided into *herr*, a lord. It denotes one that takes by force, a robber, when robbery was an honourable occupation,† and it is found *hari*, a lion, war, and *Heri*, an epithet of Vishnu, whom the Greeks converted into *Hercules*. But as all the members were equally *herren*, a title was wanting for the officers subordinate to the *heretoga* and *herzog*. Tacitus mentions that their officers were elected in the national assemblies,

* Thegar Kare hafde feingid sarid, sagde hann til kongs,—herra, eg man hia Odni gista.—*Hromunds Saga*, c. 2.

† In order to have an idea of the brigandage exercised by nobles at the epoch when charters were first granted, it is sufficient to examine some of them, and the lord will be found assuring his tenants: "I promise not to *rob* (voler) and sieze the goods and moveables of the inhabitants, and to exempt them from *all* rapine and other bad customs, and no longer to commit exactions against them."—*Dict. de l'Anc. Regime*, art. *Chartres*.

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and that a name should be deduced from that circumstance is no more remarkable than the discovery of the title of a people of oriental origin in the Sanskrit root. As *heri* is the original of *herro, hearra,* so *vri,* to choose, elect, has given the term *fri,* as it appears in the old German title, *friherr,* which the moderns have mistaken for *freyherr,* and which in the old laws was ranked with that of *fürst,* meaning a chief.* In Sanskrit, the word *varya,* formed from this root, signifies the chief, that is the select, chosen. If this derivation of *friherr* be correct, something like consistency is restored to the corrupt title *semper freyen herren,* given to the four especial barons of the empire, those of Limburgh, Dussis, Weysterburgh, and Alwald. But it may be reasonably doubted whether this *semper* is not entirely a blunder. Joining the Sanskrit *sam* together, and *varya,* chief, a word is formed in regular manner, which may very well have become this Germanic *semper,* and *semper frey herren* may signify chief lords elected together, or at the same time, or in the same manner. Schilter, however, produces *semperleut* and *sempermann,* which he considers to be corrupted from *sendbarleut* and *sendbarmann,* from *send, conventus;* whence *sendbar, synodalis.*† The *semper* in the title under consideration will, therefore, denote that they to whom it was applied, were lords of the senate, parliament, or diet. But *send* itself is nothing more than *sen,* which has already been shown to be connected with *sena,* an army.‡

Barn.

13. The barbarous word *barnatu* signified what is now termed baronage,§ meaning the collective body of barons. In France, a baron was called in the old romances, *barne,*

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* 'Eg git der friherr sinem uuibe daz uuol hundert mark giltet, ich main Fursten und ander friherren.' The baron shall give to his wife (perhaps the *morgengab,* or nuptial present), but I speak of princes and other lords. —*Jus. Prov. Aleman. c.* 205, in *Wachter.*

† Gloss. Teuton. p. 732. ‡ Suprà, p. 43.

§ Capitul. Caroli Calvi, An. 817, cap. 24.

baroun, beir, beirs, ber, bers, faron and *varon,* and "noble ber et poissant Messiere Henry du Vergie," occurs in the acknowledgment of homage by that nobleman to the duke of Burgundy, in 1329. The first of these terms corresponding to the A.-Saxon *beorn,* a nobleman, a prince, Scottish *barne* and *berne,* of which Pinkerton says that it "was at first an appellation of honor as emplying a man of capacity, when *baro* was baron. Next it meant simply a man, and now in Scottish and North English, a child. Such is the progression of words;" and Dr. Jamieson having quoted this passage, observes: "He is certainly right in deriving the term as primarily a title of honour, but it is very doubtful if *baro* and baron, the former especially, be from *berne.* Both he and Ruddiman err in confounding this word with *barn,* a child. It is more probable that *bern,* as originally corresponding to *vir,* and secondarily to *homo,* is radically a different word from *bern* or rather *barn,* as denoting a child. For not only is *barn* used in the latter sense by Ulphilas, who certainly wrote before *barne* or *berne* was used to signify a man, but in A.-Saxon *bearn* signifies a child, *baron* denotes a man, *homo, (Lege: beorn,* princeps homo.—*Benson)* a prince, a nobleman, a man of honour and dignity.—*Somner.* Some think that *bern* has its origin from the Icelandic *bearn, beorn,* Su. Goth. *biorn,* a bear, as the ancient Scandinavians used to give this term as an appellation of honour to princes, and as it was common in barbarous times for a warrior to assume the name of some wild beast to denote his courage, strength, &c."*

14. In Persian *barnā* and *parnā,* a young man, are clearly the same as this Romance *barné* and A.-Saxon *beorn;*† and should put an end to any supposition that it is *Beorn.*

* Etymol. Dict. art. *Bern.* If *berne* be the Sanskrit *verna,* a husbandman, the meaning corresponds with that of *bonde.*—*Suprà, p.* 131.

† It is brought into juxtaposition with *barn,* a child, in the following passage in Beowulf, *l.* 4236 :—

Wif unhyre	The hideous woman

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derived from *biörn*, a bear. The nasal termination of the latter distinguishes the Scandinavian name of this animal from the Germanic, which follow the Sanskrit *barji*, a wild bear, and turn the *a* into the dipthong *æ* or *ea* in consequence of the reflective influence of the original termination *ji*. From one of the oblique cases of *barji*, the Northmen have had their tripthongal *biörn*. As to the meaning of the word, it appears to be a mere imitation of the animal's cry or growl in anger. In Zend, which Sir William Jones considered to be a dialect of Sanskrit, we have seen that *vairya* was the same as the Gothic *vair*, which like the Sanskrit *virah*, a hero, takes an *n* in its declension, and eventually produces *varones* and *varon*, the equivalent of baron. The Zend was old Persian, and *barna* and *parna*, which is the same word, may have similarly resulted from *vairya*. *Beorn* is primarily a man, and being a strong man, it is taken for an appellation of nobility. It is a derivative from the same root as baron, and must be regarded as the Anglo-Saxon form of that word: for as to the "baron" found by Dr. Jamieson in the Dictionaries, it must have been inserted on the authority of the Latin Laws of Edward the Confessor, or the French of William the Conqueror. In short, it is neither Saxon, nor used by Saxon writers.

Sire, Siresse.

15. Of the old French nobility, Selden says: "these ancient barons affected rather to be styled *sire* (which has a feminine *siresse)*, and the baron of Coucy to this perhaps carried this rhyme in his device, in 1538:—

> "Je ne suis roy ne prince aussi,
> Je suis le Sire de Coucy."

But of this elder barony or sirerie (says L'Oiseau) there

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hyre *bearn* gewræc	avenged her child,
beorn acwealde	she slew a warrior
ellenlice.	with fury.
	Kemble.

is not one left; for they being all of great jurisdiction, have either revolved to the crown, or been erected into duchies, marquisates or counties.*

Sire and *sieur* are radically the same, and have their origin in the Sanskrit *sūra*, a hero, a valiant man. The title exists in English, Icelandic, French and Italian, *sir*, *sire*, *sira*. From the Sanskrit verbal root *sūra*, to be valiant, came the Gothic *sigora*, from which, in his Glossary to Beowulf, under the word *sige*, victory, Mr. Kemble makes the following deduction of *sire:* "Signora, *Goth.*, sihora, *O. Norse*, sira, *A.-S.*, sire, *Fr.*"

A large signification was given to *barony* by old English writers:—

> "Hardeknout hys brother tho then wey sone nome,
> .. ..
> Thorn the baronye of Engelond and of Denemarch al so
> Ichose he was to be kyng, for hii ensented therto.†

Rich, in the primitive sense of powerful, and *seignorie* for lordship, in its widest extent of meaning, occurs at a later period:—

> This ilk Henry is told Henry the Secunde,
> As riche a prince in wold (power) in this lond sithen non funde.‡

16. So in Spain a *sennorio* was employed to denote a whole kingdom, as appears from a law of Alfonso X., which has this peculiarity, that it includes all the nobility of whatever rank, under the term *ricos homes*.§ *Sennorio.*

Sires de la terre in our Norman French records, are merely landlords. In addition to what has been said of *sieur*, so obviously the Sanskrit *sura*, a hero, it may be stated that in Persic, the tenure of a military feod by mili-

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* Titles of Honor, p. 539. † Robert of Glouc. p. 325.

‡ Robert of Brunne, p. 128.

§ 'Si algun Rico home de nuestro Sennorio denostare a Dios o a Santa Maria.'—If any man blasphemed against God or St. Mary, he was to forfeit one years profit for the first offence, two years for the second, and for the third, his whole estate.—*Selden*, *p.* 573.

tary service is denominated *sujūrghāl,* which appears to be formed upon the Sanskrit *sura,* to be valiant, *chal,* to maintain, and so may be explained by the western term, a knight's fee, that is, the aliment of a soldier, in land in lieu of stipend, in the same manner as stipend stood in lieu of food. Thus it is found that even in this term *senior,* the warlike establishers of the feudal system had no notion of designating a military man from a quality emplying decrepitude and incapacity for the duties of his office.*

It appears on the whole that there were two descriptions of titles in the earliest times of which the history of the Germanic nations treats. One of them had reference to the chief and his obligation to support his people, and the other to the person of him that bore the title. The former were the Saxon *gesidhas* and German *gisindin,* companions and counts. The Saxon *gesidh* was changed to *thegn,* a word which has been shown to mean primarily, a receiver, a partaker of the sustentation given by the chief; and secondarily, a minister. *Hlaford,* lord, from its signification might serve for the *aldor,* a maintainer of the people, as well as for the *thegenas* or receiving nobility; and accordingly *hlaford* did denote, as its descendant, *lord,* does at the present day, the king and any of the nobility. In Germany *graff,* and in Sweden *greffwe,* but not until the sixteenth century, became the title of the counts; and this

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* An erroneous inference has been drawn from the employment of the Gothic *sineigs* as the representative of *senior.* For instance, in *Matt.* xxvii, 1, "At maurgin than waurthanana runa nemun allai gudjans jah thai sinistans manageins bi Iaisu," where "allai gudjans jah thai sinistans manageins" stand for "omnes sacerdotes et seniores populi." Now Ulphilas, as a faithful translator, gave the Gothic terms which most nearly expressed the literal sense of the passage; and though *seniores* might be a title in Latin, and although among the Jews, as among the Persians, *(pir,* an old man, and a title of honor,) and some other Eastern people, the terms for age, were also terms of dignity, it does not follow that the Gothic *sinistans* had also this secondary meaning. So closely did Ulphilas adhere to the letter of his original, that we even find him writing *militondans,* where the Latin has *militantes.*

word, in its secondary sense of fiscal judge, corresponds to the primary signification of *thegn*. But this term, unlike those just enumerated, is restricted to the same class of persons by the bonds which it derives from its etymological import.

All the remaining titles are personal; the *thegn* who had been a count, was properly denominated a *baron* in the laws of William I., for that term had reference to the manhood of the bearer. And thus it happens that the similar titles *beorn* and *barne* were applicable to any of the nobility, and even the derivative, *barony*, to a kingdom. *Sire* and *seigneur* in like manner, signifying victorious or conquering lord, agreed with any rank of the nobility, and inasmuch as *monseigneur* is still the style of addressing a prince of the blood, and *sire* that of a king, we may infer that they were so applied.* *Jarl* and *earl*, signifying conquerors or at least fighting men, having been early appropriated to the near relations of the king, were restricted in application, although sufficiently general and honourable to become common. The very generality of the term *herr*, a lord or master, was destructive of its use as a title, and it is now the property of the common people. *Goodman*, through the confusion occasioned by two words of the same orthography, sank into contempt; and indeed the same may be said of *Richman*, for though wealth gives power, the mere possession of it is an accident common to nobles,

* The *seignorie* of Gascony, mentioned in a preceding quotation, may be taken as an instance; for if the duchy could be correctly so styled, then was the duke a *seigneur*, although *seigneur* certainly was more commonly the appellation of an inferior vassal, as in the account of the statute of Mortmain:—

Est fet lestatut, qe counte ne baroun
Ne seyngnour de tere par my la regioun, &c.

Thus translated by Robert of Brunne, p. 239:—

Was mad an other statute that non erle no baron
No other lorde stoute, ne fraunkelyn of toun
Tille holy kirke salle gyv tenement, rent no lond
Fro tho that now lyv in to the dedis hond
Without leve of the kynge or of his counseile.

merchants, and the vilest of mankind. Hence when *rich* was exclusively taken in its sense of wealthy, the nobility abandoned it as a term of honor.

Knights.

17. Strength, agility, and an enterprising disposition are qualities of the highest value among people whose very existence as herdsmen, hunters and warriors were dependent upon their courage and bodily exertions. Among many archaisims in English which might be cited in proof or illustration, there is one which originally signified rapidity of motion, then denoted success, wealth and prosperity, and has again reverted to its first sense. This is the word *speedy,* which king Alfred employs for successful, wealthy, and prosperous, and which fairly transports the enquirer back to the hunting stage of society. From the Anglo Saxon verb *spedan,* to prosper, thrive, came *spedig,* wealthy, the original of our speedy. Although the canon of transition requires an F for the P it will be hardly disputed that this *speedy* is the Sanskrit *sapadi,* speedy. The term is referable to the root *pad,* to move, but *pada,* the foot, is also connected with this root; and *sŭpad* is one that has a beautiful foot—a foot perfectly adapted for running. He that could run well caught most game, and the term *speedy* fully described his success, and attributed it to the celerity of his feet.

If instead of honouring the old and decrepid, who not only encumbered their march, but required sustenance at their hands, the Germanic tribes barbarously put them to death, they on the other hand highly esteemed youth and vigor. Their chiefs surrounded themselves with young men, and the people, like the aborigines of North America, whom in many respects they strongly resembled, adopted the very term *young man,* as a title of their nobility. *Dugudh,* courage and valour, was the general term for the collective body of noble warriors, and *geogodh,* youth, is its almost inseparable companion in Bardic compositions, long after the reasons which had exalted these qualites had disappeared, and when it was found that the counsels of

age and experience were more beneficial to the state than the impetuosity of the boy and the brute strength of man. CHAP. X.

In the middle ages several terms primarily denoting a boy or youth, were used in the particular sense of a young nobleman. Such were knight, child, swain, knave; *infans, puer, adolescens; enfes, enfans; infanta,*—all, in different languages, corroborate Tacitus in assigning to the German youth a distinguished rank about the persons of their chiefs, princes and kings. One, *infanta,* of which the application was probably made by the Goths, still survives as the title of the heir apparent of Spain, and another in England still decorates the members of an order of nobility. Infants, boys, and young men, ("infantes, pueri et adolescentes"), in the language of the middle ages, denoted the sons of noblemen, not yet in possession of their paternal estates: thus *puer Anglicus,* was a designation of the prince of Wales; *adolescens Bohemicus,* was the heir apparent of Bohemia; and *L'Enfant de Champagne, l'Enfant de Warewic,* and *l'Enfant de Cleves,* are the titles in old Chronicles given to the noble heirs of those counties.* *Enfés d'Angleterre* also occurs:—

> "Car l'Enfés d'Angleterre estoit
> Ses om, et la crois pris avoit."

18. The ancient title of *cild* or child, connected as it is with the Gothic *kildh-ei,* the womb, gives no difficulty in respect to its primary signification. It occurs in the sense of a knight, and is applied to no less a personage than the father of the great earl Godwin.† The son of Lot, king of the Picts, receives the title of child somewhat different from that of knight:— *Child.*

* Du Cange, *t.* iii, c. 1415.

† "——Thæt Brihtric, Eadrices brothor ealdormannes, forwregde Wulfnoth cild. thone suth Seaxisean. Godwines fæder eorles to tham cyninge." —*Chron. Sax. An.* 1009. ——That Brightric, brother of Aldorman Edric, betrayed Wulfnoth, the South Saxon knight, father of Earl Godwin, to the king.

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> Chyld Waweyn, Lotys sone, thulke tyme was
> But of tuelf yer, and the Pope of Rome bytake was
> To norys thoru the kyng Arture, and thulke tyme rygt
> The te hym tok armes and ys owe honde made hym knygt.*

"Among the Rajpoots, *baupje*, sire, is an appellation of royalty, and strange enough, whether male or female, its offshoots, which form a numerous class of vassals, are called *babas*, infants."†

In mediæval Latin *domicella* is used for the unmarried daughter of a prince or noble, and *domicellus*, contracted from *domnicellus*, the diminutive of *dominus*, for the son. These words are the forerunners of the old French *dâmoisel* in the masculine, and *damoiselle* in the feminine gender. Froissart calls Richard, prince of Wales, son of Edward: "le jeune damoisil Richart." In Romance the word is indifferently *damoisel* and *danzel*, in Italian *donzello*. All of these are evidently titles under the same notion as that of child and *enfant*, of which the idea belongs to the knights of an earlier period.

That we owe *dame* to the French is incontestible, but it is not quite so clear that the Spanish *don* and English *dan*, which are commonly derived from *dominus*, have any reference whatever to a Latin source. In Robert of Brunne, it certainly appears in the form of *dans*, but that is altogether unusual.

> Dan Dominike, Dan Godfrey, or Clement
> Be welcome newly into Kent;
> Though their bridle have neither boss nor bell,
> Beseching you that you will tell
> First of their name, &c.‡

Dan in Persic is a lord, and probably signifies a rich man, Sanskrit *dhanin*, wealthy, thus agreeing with several other titles already noticed as founded upon the wealth and power of the original possessor. It is the original of the

* Robert of Gloucester, p. 182.

† Col. Tod, Rajasthan, vol. I, p. 131.

‡ Lydgate, Storie of Thebes.

apocryphal Danur, the first king in Scandinavia, who is said to have given name to Denmark, and the progenitor of the Danava, or tribe of Dan, in the fables of the Hindûs.* That we do not find it in Anglo-Saxon would be an objection of little weight, since a vast number of words indisputably Oriental exist in the language of which we have no traces in the scanty remains of our Saxon forefathers.

The primary meaning of a knight, which exists in all the Teutonic dialects, is not so readily ascertained as the preceding. *Cniht* in Anglo-Saxon, was a boy, a servant, a soldier, a knight. The German *knecht*, in Old German *kneht*, was at first written *knet*, *knit*, *cnyt*, and Ihre concludes that it is foreign to the Gothic tongues, and believes it to be Scythian. The Old French *naquet*, appears to be the same word, and if a conjecture may be hazarded from the employment of the sons of noble relations about the persons of princes and chiefs, this knight is the Gothic *ganidh-jis*, a relative, kinsman, cousin, and *ganidh=cognat-us*, *nidh=nat-us*; and *knet=gnat-us*, the two former having the general sense of kinsman, the latter that of a son, or one born in the family.

In their military expeditions, each prince or noble was accompanied by a number of young men, who were mostly either their own sons, or the sons of noble relations.† Mention of the *mago driht* or band of kinsmen, is frequent in Beowulf, and the very first instance will serve to show its exact purport:—

Tha wæs Hrodhgare	Then was to Roger
here sped gyfen	success given in arms
wiges weordhmynd	the dignity of war;
thæt him his wine magas	so that his dear relations
georne hyrdon	willingly obeyed him

* The Hebrew *Dan* has no sort of connection with this word or name.

† Jornandes, c. 58, 60.

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oth thæt sec geogoth geweox	until their youths grew up,
mago driht micel	a mighty kindred band.

L. 137.

And we also find in a passage of Byrhtnoth, describing the office of the juvenile attendants on noblemen in the field, the term *cniht*, used for both a young man and a knight in the same person :—

Him be healfe stod	By his side there stood
hyse unweaxen	Wulfstan's son,
cniht on gecampe	Wulfmer the young,
se full caflice	a youth ungrown,
bræd of thæm beorne	a boy in battle,
blodigne gar	who full speedily
Wulfstanes bearn	drew from his breast
Wulfmær se geonga.	the bloody javelin.

L. 302.

We find it also both a general term for soldier, and a title of honor. In the latter sense the Anglo-Saxons employed the word, as must be evident from their use of the Latin "miles," in charters composed in that language. There is no other Saxon word which will answer that use of *miles*, and it is not likely that they would attribute *miles* to a person who had not an equivalent designation in his mother tongue. In a charter of Cenulf, king of Mercia, to the abbey of Croyland, in 906, he confirms to that house, "eleemosynam quam *Algarus miles* etiam *meus* dedit illis." Had he written in Anglo-Saxon, the confirmation would have appeared in the material part at least, as follows :— "thæt ælmesfeoh swa swa him eac ær gaf Ælfgar min cniht ;" for if we substitute *cempa* for *cniht*, we shall have a word of a very wide application to express the narrow sense to which *miles* was restricted in this age. The same knight Elgar, or Sir Elgar, is mentioned in a confirmation of king Wihtglaf or Witlaf, to the same monastery, with the addition of another, "Item donum Oswini militis." They are again mentioned with that title in the confirmations of succeeding Saxon kings, inserted by Ingulf, who also names "Fernotus miles et dominus de Bosworth," and "Edmerus miles et dominus de Bolebroke," under Hardi-

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cnute. The title *miles,* knight, often occurs in the subscriptions of charters under Cnute. In the charter of privileges granted to Westminster by Edward the Confessor, after the subscriptions of some bishops, abbots, and earls, some names occur with "minister," that is, *thegn* or baron, after them, and then follow others with "miles," in the same manner; so that there can be no doubt as to the meaning of *miles* among the Saxons.* "Anciently," says Selden, "none was capable of the dignity of knighthood by a constitution of Frederick II., which is also attributed to Conrad IV., but he that was descended from one that was *miles,* which I interpret a gentleman or *nobilis,* and not a knight. For *Ritter* and *Miles* often signify, in the old feudal law of the empire, a gentleman, as the word *gentleman* signified one *nobilis,* and not a dubbed knight, which is interpreted by *miles factus,* or *cingulo militari donatus,* as with us in English, *qui suscepit ordinem militiæ* is the dubbed knight, and him generally we call a knight; yet also the word *milites* denotes gentlemen or great freeholders of the country also. And they are called *knights* in our laws that concern either choice of coroners or of knights of parliament, although they be no created knights."

Radechenistres.

The barbarous and unsightly term *Radechenistres* occurs in Domesday Book, where it is applied to persons who ploughed on a manor, and owed service at the lord's court, and it is there explained that such persons were free men or free vassals.† If, as Selden supposes, these are the Rade knights of Bracton, the Domesday term is the aural orthography of the Norman surveyors, endeavouring to convey a notion of a strange title. The *Radeknights* have been commonly explained, after Bracton, to be *riding knights,* a term given to such tenants as held their lands by the service of riding with their lords from manor to

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* See Selden, p. 769—771.

† "De terra hujus manerii tenebant radechenistres, *i. e.* liberi homines." —"Hic radechenistres arabant, &c."—*Fo.* 18, *tit. Glouc. Berthelay.*

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manor, which, says Selden, was adjudged in the reign of Henry III, to be such a knight service as to draw wardship and marriage.* So great an authority is not to be disputed on light grounds. In king Alfred's Orosius and the Saxon Chronicle, *ræd here* is the cavalry, and so far corroborates this explanation; but on the other hand the term *rædaneyte* or associated counsellors, is of frequent occurrence in Northern compositions.† Bracton did not understand Saxon, and may have mistaken the word *rædgeneat* for *rædcniht,* an associate in counsel, namely, one of the tenants who were bound to assist in the court of the manor. This at least has the advantage of being consistent with the Domesday account of the *Radechenistres,* and their base service of ploughing. The word will represent *rædgeneatas* as well as *Radcnihtas.* In Orosius, we have *ræd theahteras* for the Roman Senators, and *ræd geneatas,* or, if preferred, *ræd cnihtas,* would be the manorial counsellors.

At first, the knight was merely a boy attendant on a prince, an *aldor* or *altherro,* and either his own son or the son of a relation. Tacitus particularly mentions the *magodryht,* or kindred band of youths surrounding the chief: "Hæc dignitas, hæ vires, magno semper electorum juvenum globo circumdari, in pace decus, in bello præsidium;"‡ and if he had been describing king Arthur and his Round Table, he could not have conveyed a notion of them in more explicit terms. The bravery of the German *juvenes* or knights is also commemorated by Ammianus Marcellinus, and lastly, the use of the term in the same sense as *juvenis,* that is, a martial youth, connected with their oaths and other preceding circumstances, renders it exceedingly probable, that the body of choice youths, of whom Tacitus speaks, were the knighthood and chivalry of the period.

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* Titles of Honor, p. 777.

† 'Hirdmenn og rædanetye Haralds kongs sogdu honum ræd.' The courtiers and counsellors of king Harald gave him advice.—*Sturlaugs Saga, c.* 5, *p.* 7.

‡ De Mor. Germ. c. 13.

From this service and attendance in the field, *cniht* became an appellation equally attributable to the servant and the professed soldier. An executioner, in one of Ælfric's Saxon Homilies, is addressed as a knight, but whether in reference to his age, his office, or his profession as a soldier, is not very clear.* Considering it in the single light of a servant, Wachter deduced it from the Greek *konetes*, a familiar, an attendant in the household; but the word was in common use in Germany and Scandinavia, where Grecian never penetrated, and when Greek was unknown to the Gothic nations. It existed in the Danish *knegt*, and is found in the Irish *cniocht*, two circumstances decisive against a classical origin.† Dr. Grimm's law of sound-transition shows that it is indisputably the cognate of the Latin *gnatus*, as before stated, and *gnat* corresponds with the Sanskrit *janata*, mankind, from *jana*, a person, and equally to be referred to the root JAN, to produce, whence *janyan*, birth. The Gothic *ganidhjis*, before noticed, is formed like the Latin *cognatus* with the collective participle or preposition, but the stem of both words belongs to this class.

The old German and English writers employed it in the sense of soldier:‡—

* 'Thæt wif him (thæm cwellere) cwæth to. Cniht nim thin gold. the læs the hit the losige thæt thu lange beswunce.' The woman said to the executioner, "Knight, take thy gold, lest thy long labour be a loss to thee."—*Cott. MS. Julius, E.* vii, *fo.* 64 *b.*

† Horne Tooke's derivation, though seriously given, is ludicrous, "KNOT, KNIGHT, NET," says the philologer of Purley, "are past participles of *cnyttan*, to knit, *nectere, alligare, attacher.* Knight is *cnyt, un attaché.*" Then follows a quotation in which the verb to *knitte*, signifies to join, unite.—*Divers. of Purl.* II, *p.* 145, 6.

‡ Ottfried, "soldier," in John, xix, 34, by *knecto.*

Ein thero knechto thiz gisah
Ioh zi ferehe er nan stah
Mit speru er thar zua gülta
Indeta 'mo thia sita.
One of the soldiers beheld this,

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Hers and Hengist bothe that twei brethre were
Mid thre schip ful of knyghtes y armed wel ynow.*

And long after the Gloucester historian, the Scottish translator of Virgil, rendered the words—

——uterumque armato milite complent.
Æn. II, 18.

"Schortly the belly was stuffit every dele
Full of knychtis armyt in plate of stele."

At what period it began to denominate a particular class of soldiers, and to be exclusively applied to them, is not readily ascertainable; for there were Dubbed knights before the time of Robert of Gloucester. Selden says of knighthood, that "the origin is to be deduced from the customs of the Germans and other warlike people of the north. Their use was in public assemblies, by a solemn giving of a lance or target to confer such a kind of honor, and this was done sometimes by some prince of the state, sometimes by a father or kinsman. Tacitus was a witness of it, 'Nihil neque publicæ, &c.' Of this nature also was that kind of adoption *per arma*, which Theodosius, king of the East Goths, in Italy, used to the king of the Heruli. For, as in latter ages, so then also, one person received the dignity of another. This charter of adoption is yet extant. This document he gives at length from Cassiodorus."† Daines Barrington has the following curious observations on English knights: "The statute *de Militibus*, 1 Edw. II. 1307, directs that every one who was 21 years of age, and had 40*l.* a year in land, should be compelled to take upon himself the order of knighthood. On proper excuse of age or infirmity, they were to pay a proper compensation." In a note he says, "The *Marca Hispanica* mentions two

And on his life he stuck
With his spear he hastened to him
And opened his side.
L. iv. *c.* 33, *v.* 53.

* Robert of Gloucester, p. 111.

† Titles of Honor, p. 438.

kinds of *milites* or knights, viz. those who received this honor from the sovereign, and likewise others who were obliged to provide *equus cataphractus*, or a large war horse: it might not be unreasonable, therefore, to pay a considerable compensation to get rid of so burdensome and expensive a tenure."* Another reason for paying the fine on becoming a knight, anciently, arose from those who were candidates for this honor, being previously subject in the houses of the great barons (who had power as well as the king, in certain districts, to make knights†), to many low and menial offices, as making the beds and serving at table; and from which they were exempted as soon as they became knights. (See *St. Pelaye's Dissertation on the Antient Chevalry.*) It appears, by M. Houard's late translation of Lyttleton into modern French, that even the *Damoiseaux*, who were the sons of princes or great lords, could not sit at the same table with their father until they had received the honor of knighthood *(p. 577)*. Edward III. made frequent use of this compulsion to procure money, of which he seems to have been almost perpetually rapacious. In the 21st year of his reign, he grants a pardon to Ralph Shelton, for having neglected to become a knight before the battle of Crescy, after which he became a knight banneret *(Rymer, p. 1, p. 10)*. In the 40th year of his reign, he again had recourse to the same method of raising money from his subjects *(Ib. p. 1, p. 103)*. Charles I. in his distresses, insisted upon this compulsion of 40*l.* from those who declined being knights.‡

Chivalry and its titles were common among the ancient Scandinavians. It is related of Thorbiorg, daughter of Eric, king of Sweden, that she accomplished herself in riding, and was skilled in the exercise of the sword and shield.

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* Marc. Histor. p. 260.

† They were sovereigns without the regal title. See what has been said of counts and dukes.

‡ See Anthony Wood's Life. Observations on Ant. Statutes, p. 193.

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She knew those arts as well as those knights who understood the courteous carriage of their weapons.* The very term *list*, signifying the place in which the knights jousted, is used in the preceding message to denote the martial exercises and accomplishments peculiar to the order of knighthood.

The remarkable difference existing in the appellations of knights of the Northern and Southern nations, proceeds no doubt from some other source than a mere opposition of taste. Lidgate's etymologies, quoted by Selden, have not been improved by subsequent writers: they explain the word, but throw no light upon the thing denoted :—

"*Eques* ab *equo* is said of very right;
And *chevalier* is said of *chevalrie*,
In which a *rider* called is a *knight*.
Arragoners don also specifie
Caballiero through all that partie
Is name of worship, and so toke his ginning
Of spoires of gold, and chiefly riding."

The term *rider*, (*reiter*, *ritter*, and *ridder*,† *riddare*), appears to express the manner of performing military service; while *cavaliero*, *caballiero*, *chevalier*, taken from the name of the horse, appear connected with the condition of the tenure of the knight's land. In like manner the term knight, now confined to this country, was derived from the natural and artificial relation subsisting between the lord and his tenant of this rank. Thus the *hobiller* of the old English army‡ was denominated from the kind of horse

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* Hon kunni thessa list iafnframt theim riddarum er vel kunnu oc kurteislega ad bera vopn sin.—*Gautreks Saga*, p. 15.

† The Obituary of St. Peter of Nestved, printed in Langbeke's Collection of Ancient Danish Writers, abounds with persons of knightly rank bearing this style, entered thus:—

Her Jören ridder, hr. Peder Botildis son,
Fruve Margrita hans hostru.
Sir George, knight, son of Sir Peter Botilde,
The lady Margaret, his wife.
Script. Rerum Danic. t. iv. *p.* 324.

‡ At the siege of Calais, in 1350, under the earl of Kildare, there were :

with which it was necessary that he should be provided, and in fact *hobiller* is etymologically the very same word as the Italian *cavaliero*, the Spanish *caballiero*, and the French *chevalier*. The Low Latin *caballas*, a horse, is the apparent foundation of the latter terms, and is itself the representative of the Silesian *happel* and *hampel*, the Swedish and Danish *hoppa*, a horse, in old English a *hobby;* and the connection of all these words with the Greek *hippos* is as obvious as that between the Latin *equus*, a horse, whence *eques*, a knight, and the Swedish *oek*, Danish *og*, and Icelandic *eik-ur*. In all probability, *caballus*, or *happel*, as well as *hippos*, has come directly from Asia, for in Sanskrit the verbal root *kap*, shake, move, with an ordinary termination, would form a word expressive of the jumping or *hopping* motion, which is said to characterise the description of horse called the hobby.*

The hobiller was therefore the English cavalier, but he was not a knight, nor like the continental cavalier, held land by the service of furnishing a great war horse. Among the *ricci homines* of Arragon, it was customary to assign portions of the taxes levied upon large towns and cities for the maintenance of their cavaliers, and these stipendiary portions were called "honores et cavalleriæ," as early as 852. Hence the term *caballiero* corresponds with *hobiller* as denoting a mercenary horseman. But the compulsion upon vassals holding a certain extent of land, to take upon

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"bannerets 1, knights 1, esquires 38, hobillers 27;" under lord Cobham: "bannerets 1, knights 6, hobiners 19: archers on horseback 211; archers on foot 32."

* *Kapilah* so formed, is a title of Krishna, and signifies a dog; *Kapila*, fem. gend. a sort of cow. Grammarians however, derive these words from *Kam*, desire, and the termination *ila*. Professor Pott refers *caballus* to the Sanskrit *kawahula*, a camel, adding, "as I believe from *ka+wah*, quantum (!) gestans."—*Etymologische Forschungen*, I. *p.* lxxx, and II. *p.* 115. This derivation has all the faults of the old school, and it does not seem probable that the name of an animal would be so formed. However this may be, *kawahula*, a camel, cannot be *caballus*, a horse.

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themselves the order and expenses of knighthood, implies an original obligation to furnish a horse for the service of the lord in the field. Such tenure of land was denominated *cavalleria, chevalrie,* &c. This consideration is important as conducting directly to the true signification of the title *bachelor,* which has given rise to numerous explanations more or less remote from probability.

Bachelor.

Knights Bachelors.

19. "Knights Bachellors," says Selden, who collects the principal conjectures on the subject, "are such as are received for their merit next beneath banneret, and above esquire, and an esquire eminent for his service might demand this honor as a right due to him. The more especial name by which these knights are distinguished in the elder expressions of them is that of *Chevalers Bachelers.* The title of *Chevalers,* common to all others, is plain from like cause as *ritter* in Dutch and *eques* in Latin, and the words for a knight varied only by dialects in other provincial tongues, *chival* making *chivaler,* as *equus, eques.* But whence that of Bachellor, or *Baccalaureus Comes* appears not so clearly. Some will have it a compound of *baschevalier* from respect to the *chivaler à banner,* or the banneret under whom these bachellor knights commonly served. Others from *batailer* or *batalarii;* some from *bacca lauri.* Some from *bas echelon,* as if thence bachelor were made as being the first step or degree both in learning and knighthood. But the most probable seems to be from the name *bucellarii,* signifying in the declining empire, as much as a soldier or military servant always ready for employment; whence being in after ages joined with *chivaler,* it denoted this knight who had thus received the first order of knighthood. In the Glossaries of the old Greek lawyers βουκελλάριος is explained, first, one sent to kill, and then twice, by a soldier remaining in service. This name thus applied began to be used under Honorius, and was received in this signification both among the Romans and some of the Goths. And it was therefore, it seems, given to them because the chief provision of victual which was made for

them was called *boukellos,* a kind of biscuit cake. The name being thus among the Romans and some of the Goths used for a soldier, became also to denote as much as *cliens* or *feudatorius,* or one that was bound to serve another as his lord or patron, and defend him as one of his guard. This we see in the Laws of the West Goths,* and Onyla, *bucellarius Ætii,* occurs in Gregory of Tours (*l.* II. *c.* 8), and hence it is that in some Spaniards it is interpreted by *Vasallo,* which generally is one that is bound by tenure of military service. Hence also came the adjective *bachelereux* or *bacherelereux,* signifying hardy and adventurous. And as in most other dignities, names that were first and yet remain so, of a farre signification, became afterwards significant for special dignities, as we see in *dux, comes, miles, eques,* and the rest; so Bachellor or *Baccellarius* (which is used by some French writers) and *Baccalaureus,* made for *Bucellarius,* and denoting at first every soldier, afterwards became, if joined to *Chivaler,* to signify the first degree of knighthood. And a knight bachellor thus was one that had this order of knighthood given him, wherein he served still as a bachellor. And banneret denoted them that must display their banners, and have these knights bachellors serving under them. The name of Bachellor singly was afterwards used in other senses. Sometimes for one not yet knighted, but aspiring to it, exercised arms; and from this sense it was transferred to the universities; candidates in trades, and wooers that have not been married."†

Exactly as the word for a horse gave rise to a name applied to an estate, which was held by the service of pro-

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* Quicunque in patrocinio constitutus est sub patrono aliquid acquisierit, medietas ex omnibus in patroni vel filiorum ipsius potestate consistat. Aliam vero medietatem idem buccellarius qui acquisivit obtineat. Quod si buccellarius filium tantummodo reliquerit, &c. *Lib.* V. *tit.* 3.—*Selden, p.* 550.

† Titles of Honor, p. 549, 550, 551.

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Caballaria Chevalerie.

viding a horse, we may expect to find other denominations of estates from the condition of tenure. *Caballus** produced *caballaria*, and *cheval* produced *chevalerie*, signifying this kind of tenement by military service. *Baca*, an old Spanish word for a cow, which occurs for *vacca*,† in a charter of St. Ramirez, king of Arragon, occasioned *bacalaria*, the term given to a species of rustic tenement upon a manor, implying that it consisted of so much land as might be ploughed by an ox. In this sense it answers to the old English *oxgang* of land. Mention of *bacalaria* occurs in a charter of the 9th century. In the Romance language, an estate of this kind was called *bacele*, *bacelle*, and *bachele* (a cow fee or cow land), which, and similar names, were understood to denote land of such an extent as to be capable of employing twenty oxen in one day. An ancient ceremonial quoted by Du Cange, uses this very term in connexion with the qualifications for a banneret: "When a knight or esquire possesses an estate of 4 *bacelles*, the king may deliver him a banner at the first battle at which he is present; at the second he is a banneret, and at the third a baron."‡ The holder of a *bacalaria* was termed *bacalarius*; the owner of a *bacelle* or *bachele* was a *bacellor* or *bacheler*, signifying the proprietor of this cow-land.

It appears also that the terms *baccalaria dominicaria* or *indominicaria*, were applied in the middle ages to land held and cultivated by the lord for his own family; and

* A young horse with a bit or rein, one just caught or bridled; Sanskrit *havih*, a bit, and *balah*, a colt, the etymological equivalent of Engl. *foal*.

† The Sanskrit *bhaga*, an anatomical term, agrees etymologically with *vacca*, *baca*, Engl. *bag*, which answers to the English *bag(g)ing*, for sacking, made of the same cloths as bags, sacks, &c. *Cow*, Lat. *ceva*, Sanskrit *gau*, (first case of *go*, the crude noun) a cow, is so called from its excrement, which was used in sacrificial fires.

‡ Quand un chevalier ou écuier a la terre de quatre bacelles, le roy lui peut bailler banniere, à la premiere bataille oû il se trouve; à la deuxieme il est banneret, et à la tierce il est baron.

this materially assists us in attaining to the meaning of *Bachelor*, when it denotes a young man unmarried, or a young soldier, or the candidate for knighthood. The rustic *baccalarii*, or bachelors, when the other tenants accompanied their lords to the field, staid at home, in order to perform the agricultural duties so necessary to the subsistence of the whole; and mention is made in charters of "bacalaria facere,"—"la bachele faire," meaning their services in ploughing with oxen, although they might not be serfs. On urgent occasions these men were employed as recruits, whose duties were to be learned before they could be admitted to an equality with the other tenants, who served on horseback, and were chevaliers. About the 13th century, bachelors begin to be mentioned as tenants of land liable to furnish one *chevalier d'ost*, or in portions of half, a third, or a quarter. These, therefore, were bachelors holding a knight's fee, or the parts of a knight's fee usually rated, and their contribution to the service, when not personally performed, was computed in the same manner. From mere rustics they had become military tenants, but of a rank subordinate to the knight, whence *bas chevalier;* and the term *poor bachelor* often occurs in Froissart and others, in reference to the smallness of their retinue, which precluded them from the privilege of displaying banners:—

> "A un chevalier baceler
> Ki par pauvreté vot aller
> Droit en Pulle a Robert Wiscart, &c."*

Both chevaliers and esquires became bachelors in respect of their land, and their candidateship for a banneretcy,

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* Men of the highest nobility were bachelors before they were received into the order of knighthood: thus the earl of Gloucester, in the reign of king Stephen, gives this title to the earl of Chester:—

> "Syre yong bachellor, he sede, wel me wytyth thys
> That thun (thou) art strong and corageus, and nougt unworthy also
> The vorste chyvalrye in the batayle to do."
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> *Robert of Gloucester*, p. 453.

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and the expression *knight bachelor* is a compound of two substantives, and not a substantive and adjective, as it appears to have been regarded by Selden and other writers.

Haystalders.

20. It may not be disadvantageous to refer to the same class of persons in the Teutonic parts of Europe, the *Hagestolten* of the old Germans, the *hægstealdra* of the Anglo-Saxons, and the *Haistaldi* of the Low Latin writers. The earliest occurrence of this term is in the poem of Beowulf, in which the *haystalders* appear discharging the office of armour-bearer to a superior:—

"Cwom tha to flode	Came then to the flood
fela modigra	many proud
heag stealdra	bachelors:
hring net bæron	they bore the nets of rings,
locene leodho syrcan."	the locked mail shirts.
Line 3072.	

And in the fragment of an ancient poem, published by Dr. Hicks, which has been entitled the Battle of Finsburgh, the term is used in a military acceptation:—

"Thonne hnæfa guldon	Then the knaves rewarded
his hæg stealdas	their bachelors,
hig fuhton fif dagas	who fought for five days,
swa hyra nan feol	so that none fell
driht gesidha."	of the lordly companions.
Line 82.	

Adelung says that *cælebs*, in Raban Maurus, is *Hagestolt*, but this is clearly the secondary signification, as it is of bachelor. It occurs in this sense in the old German Chronicle of Brunswick;* but in a charter of the monastery of Soissons, in 858, *haistaldi* are rustics residing upon an estate and adscript to the glebe, which, corresponding as it does with the early sense of *bachelor*, is probably the

* An. 859. 'Hertog Ludeleff de legt na dre sone, Bruno, Danckwart, de bleven hagenstolte, sonder Otte, de was de jungeste, de nam eyn wyff.' —Duke Ludolf left three sons, Bruno and Danckwart, who continued bachelors, and Otto, the youngest, who took a wife.—*Chron. Saxon. Antiq.* (*Brun. Chron. Picturatum*, p. 299.)

primary meaning of the term. We are still at a loss for its etymology. M. Rimius gives the following account of a singular law concerning it in its secondary acceptation. In speaking of the duke of Brunswick who died in 1714, he says:—"To close what we have to say of Anthony Ulric's reign, it may not be amiss to mention that in his time, or rather, according to others, in that of his successor, a very odd, though customary law, called *Jus Hagestoltziatum*, came to be abrogated. A man that had lived a Bachelor to the age of 50, was named by the antient Germans a *Hagestoltze*, and that part of his succession which he himself had acquired, escheated after his death to the treasury of the government, probably as a punishment for not having entered the married state. The law did not prevail throughout all Germany, but only in the lower Palatinate, in some parts of the Upper Rhine, and the country of Brunswick, in which last it was thought fit to annul it. It does not readily appear when this law began to be in force, nor whence the word *Hagestoltze* is derived. All that can be said thereupon is as follows:—The antient Germans called a family seat *Haga,* and a little habitation *stoltze*. The eldest son inherited the *Haga*, or the family seat of his father, while the other children received but a small portion of his succession. It often happened that families chose to live together, in which case the younger brothers built little habitations or *Stoltzen* near the *Haga* of the elder brother, which was the occasion that they came to be called *Hagestoltzen*. As these younger brothers had inherited little or nothing, and were not in a condition to maintain a wife, they lived for the most part a single life, so that it is not improbable that from thence all old bachelors received the name of *Hagestoltzen*."*

The German word *stoltze,* in the sense of proud, is the etymological equivalent of the Latin *stult*-us, and cannot

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* Memoirs of the House of Brunswick, p. 355.

be considered as the original of the compound. Du Cange, who first suggested the derivation of *bachelor* from *baca*, is less successful in his conjecture on *Haistaldi*, which he divides into *haie*, a mansion, and *stal*, a seat. Such a compound, presenting no idea that is not contained in each of its parts separately, would not be formed and used by a whole people. His etymology does not account for the latter part, which is *stald* and not *stal*, nor does it account for the same word in the Anglo-Saxon. According to Wachter, the houses of peasants upon the estates of their lords were called *haistald* and *hestald*, and he observes, that as in peace they were husbandmen, so in time of war they were soldiers, and hence the word may have come to denote *tyro*, a new soldier. Apparently the *hag* or *hæg* denoted the cultivated and inclosed parts of an estate, and *staldi*, *stealdra*, the occupiers of those parts: at all events, the Gothic *ga-staldan* signifies *possidere*.

In the extract from the Battle of Finsburgh, the knaves are mentioned as superior to the *hagstalders*, and, judging from the constitution of an ancient army, the former were the cavalry and the latter the infantry. Ariovistus had six thousand cavalry, and an equal number of men on foot, who were selected on account of their fleetness and courage. They accompanied and kept up with the cavalry, and when a horseman fell wounded, they gathered round him, and in fact afforded him the same aid which in a later age was rendered by the esquires to dismounted knights. Some disposition of the same kind existed in the German army, and there seems no reason to doubt that the bachelor or *hagstalder* was, in early times, the foot-soldier appointed from the better sort of the tenantry to attend on their lord in battle. In process of time, the other applications of the words to candidates, for various kinds of promotion, would easily and naturally follow.

King Alfred, according to Malmesbury, conferred the honor of a knight bachelor upon his son Athelstan. Unfortunately the Saxon authority for this fact does not exist,

and we can only infer from the use of the term *heagstealder* in these poems, that it was the title employed on this occasion. *Bacheler* occurs in the reign of Henry III. in a sense which will admit the interpretation of an unmarried man, as well as that of a military candidate, or inferior knight:—

> "Ych wo the marie with the thridde part of my londe
> To the noblest bacheler, that thine herte wol to stonde."*

In conclusion, it may be observed, that in the 16th century, the designation was not restricted to the male sex:—

> Wee do not truste your uncle, hee woulde keepe you
> A batcheler still, by keeping of your person:
> And keepe you not alone without a husband
> But in a sicknesse.†

Esquire.

21. The *bachelor* was therefore, at first, a tenant by cow service, then a new soldier, performing duties which were afterwards committed to esquires. When the term *bachelor* was restricted to the candidate for knighthood, servants, in the capacity of armour bearers were appointed; hence the *serjeant*, serjeant at arms, from the Latin *serviens*:—

> "Thus Harald and Lofwyn, that out of lond were dryven,
> With grete oste of Irelond at Chestre up aryven.
> Dorseth and Somerseth thei robbed and did wo
> Of knyghtes and sergeantes thei slou thritti and mo."‡

In the description of an army of the seventh or eighth century, the duty of attending the horseman and carrying their armour, is very appropriately assigned to *skalks*, servants:—

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* Robert of Glouc. p. 30.

† Ben Jonson, The Magnetic Lady.

‡ Robert of Brunne, p. 59. The title occurs in the same sense in other places:—

> 'And the erle Edrik he gadred mykelle pride
> Knyghtes and Sergantes onn Lyndsay side.'
> *P.* 46.

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"Tolf hundrud ge fek their manna	Twelve hundred men I give to the[e]
tolf hundrud mara	twelve hundred war steeds,
tolf hundrud skalka	twelve hundred servants,
theirra er skiolld bera, &c."*	who shall carry their shields.

And in the poem of Birhtnoth, *scealcas* is a term somewha[t] contemptuously applied to the common soldiers of th[e] Danish troops :—

"Tha hine heowon	Then the Heathen scalks
hæthene scealcas	hewed him
and begen tha beornas	and the two nobles
the him bigstodon."	who supported him.
Line 358.	

Shield-bearer, Serjeant.

22. In the Longobardic army, the office of shield-beare[r] appears to have become distinct : " Helmichius, qui regi[s] *schilpor*, hoc est armiger, et collectaneus erat."† *Schilpo[r]* finds correlatives in the ancient terms *schildknaphen* an[d] *schildknechten*, which are all more closely rendered b[y] *scutiger* than *armiger*. From the fact that the shield-carriers of a horseman were originally servants and commo[n] soldiers—*serjeants* and *skalks*, it will be difficult, notwithstanding the pretences of heralds, to assign anything lik[e] nobility to the title of *esquire*, to which they give precedenc[e] over the simple gentleman, or believe that their degree wa[s] ever above that of a better class of servants, when considered independently of their station by birth, which, ther[e] is evidence of it in Jornandes, was often equal to that o[f] their masters. Any man becomes truly an esquire by th[e] circumstance of carrying a shield, which may belong t[o] himself or another, and which may be the real piece o[f] armour, or the picture of it in a coat of arms. Though particular offices and possessions, and situations at court, convey the title, they are not necessary to give the right to wear it. Three or four centuries back, gentlemen were wont to grant permission to others to use their coat of arms ; and manuscript charters of this kind exist in the

* Hervarar Saga, c. 17, fo. 14 b.

† Paul Warnefrid, *l.* II, c. 28.

Harleian and perhaps other collections. The grantees became *esquires*, just as formerly the employment of carrying the shield of the superior procured them the same title. The former, in fact, is a mimic copy of the latter. Even those who held lands *per scutagium*, can be regarded in no other light than that of servants hired for the work, and receiving their wages in land. All disputes about the dignity of this title are idle, and unsupported by any facts connected with its origin. The *serjeant* of our old English army exactly corresponds in signification of name with the *skalk*, or servant, and in office with the esquire.* Each carried the shield and tended on the horse of his master. This title, as we have seen, is mentioned as early as Robert of Brunne, and in such a manner as to justify the inference that it was but another name for esquire:—

> "And the erle Edrik he gadred mykelle pride
> *Knyghtes* and *sergantes* onn Lyndsay side."
>
> *Chron. p.* 46.
>
> "Anoiwe and Normandie alle holy he held,
> Of Gascoyne the segnorie bowed unto his scheld.
> Ilka *knyght* and *squiere*, clerkis to him suorn, &c.
>
> *P.* 128.†

The name is a corruption of *seruiens*, a servant, by the suppression of the semi-vowel, and the office is that of the knight's servant.

Of *Escuyer* or esquire, Selden remarks that it is not "a name of the same notion as in ancient time. And yet the latter application of it proceeds from the antient. For heretofore the division of dignities was such that after that of gentry, this of esquire followed, and then bachelor, chevalier, banneret, and the rest, in which division, as bachelor denoted one in military service aspiring to knighthood, so esquire signified one that was attendant, and had

* In old German, *scalc* and *scalch* denoted *servus*, of high or low degree. Wachter derives the term from the verb *scolon*, *scal*, A.-Sax. *sceal*, our *shall* in its imperative sense, imposing a duty to be performed.

† See also note p. 345.

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his employment as a servant waiting on such as had the order of knighthood, in matters that conduced to arms, bearing their arms and helping them to horse, and such like." When the title of bachelor ceased to be used in this sense, that of esquire was given to gentlemen who were not knights, notwithstanding that the office denoted by the title was menial, and formerly, as before shown, executed by the *skalkas, schalken* or *scealcas,* that is, men of private rank in the army, but probably of a better condition than the common men. What Marcellinus and Procopius call shield-bearers, "scutarii," in the former, were these *skalks* carrying their superior's shield and attending to his horse.

Gentleman.

23. An ambiguity in the English word *gentle,* which we use for both *well born* and *well mannered,* has occasioned a more general application of the word *gentleman,* than its etymology warrants. In strict propriety, it belongs to none who is not descended from one of the Germanic conquerors of the Roman provinces; and, by consequence, in England it should be restricted solely to the descendants of the Saxons, for the Normans were a band who invaded France nearly four centuries after the great distinction between the barbarian or gentile nations, and the Romans or subjugated had been made, and continued to the descendants of the two races. But, in another point of view, it is questionable whether even the descendants are entitled to the term *gentleman,* because it no where appears that the subjugators of Britannia adopted the distinction. In this case, *gentleman* must be regarded as an exotic title, and its precise signification is to be found, not in the circumstances of its origin, but in its subsequent history.

The following observations are made by Daines Barrington: "The statute 33 Edw. III., c. 22, 1360, relates to the claiming of a stray hawk, and directs that the sheriff shall proclaim it through all the principal towns, and keep it for four months; if no owner appears in that time, it becomes the property of the sheriff, provided he pay a suffi-

cient satisfaction to the person who brought it: 'sil soit simples homme,' if he be a simple man; and if a gentleman, 'sil soit gentils homme,' claims it, after the four months are expired, the sheriff is to restore the hawk on payment of the charges of keeping it. This distinction used between *simple homme* and *gentil homme*, seems to explain the meaning of the word *gentleman*, which is used in so very vague a sense at present. I should conjecture that the *simple homme*, is John or Thomas, who hath no surname; and in contradistinction he who hath a surname or family name from the word *gens*, is styled *gentleman*."

Upon these passages are the following notes:—

"In an action brought upon this statute, the meaning of the word must be settled, as that of *esquire* must likewise be, in some of the game laws. The word *gentilhomme*, though at first applied to persons of the greatest rank and consequence, from its being afterwards indiscriminately used in addressing any one, became, by the time of Francis I. of France, almost a term of offence, as Brantome informs us, that his uncle Mons[r] de la Chataignerage resented this appellation from the princess de la Roche sur Yon. On her complaining to the king of some expressions which Chataignerage had made use of, Francis I. said, she must thank herself for having addressed him so improperly (*t.* I, *p.* 375). Sir Thomas Smith, in his Commonwealth, distinguishes the English below the rank of esquire, into *gentlemen*, *yeomen*, and *rascals* (*ch.* 21, *Lond.* 1612, 4*to.*). In another place he uses the word *rascality*, in this sense.

"Sirnames are of no great antiquity in this country, nor are many of the common people in Wales to this day, so distinguished. So Menage, in his Dictionary, informs us, that the peasants of Languedoc are called by their own christian name joined to that of their father, as Pierre de Guillaume. In the time of Henry I., when that king would have married an heiress of the great family of Fitzhamon to his base son Robert, she replied, in the verses of Robert of Gloucester,—

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It were to me a gret shame
To have a lord withouten his twa name.
Romance concerning Britain, p. 92.

"The word *gens* sometimes signifies family. Hicke, in his *Dissertatio Epistolaris*, observes, that neither William the Conqueror, nor William Rufus, had any *nomen gentile*, which he expresses his surprise at, because the ancient kings of the northern parts of Europe were so distinguished."*

In the 14th century, *gentilesse*, gentility, denoted nobility. The son of Thomas Mowbray, the duke of Norfolk, who was beheaded in 1399, being fourteen years of age, petitioned the king in that year for an annual allowance from his father's estates, "pur apprendre honur et *gentilesse*."† And in an English gloss of this age, "gentilitas" is rendered "paynemerye," paganry, having manifest reference to the origin of the term in the distinction between the vanquisher of the Roman, and the vanquished. However, in the following century, the English word *gentleman* occurs for a man of noble family; thus Edward, duke of York, in 1405, writes to his followers in Wales, informing them that he has received letters from the Privy Seal, authorising him to borrow money to pay their arrears, and he solemnly assures them that he will not take any part of his rents in Yorkshire until they are satisfied, "and this y behote you on my trouthe and as y am a trewe gentil man."‡

The importance of the title in the middle ages, may be shewn by many circumstances, but the case of Sir J. de Gomeneys will be sufficient. This person having received sentence of death under Richard II., applied for a commutation, on which the mode of death was changed to decapitation, by letters patent, wherein the reasons are set forth

* Observations on Anc. Statutes, p. 288.

† Acts of Privy Council, 1 Hen. IV., 1399, vol. I. p. 100.

‡ Ib. p. 272.

at length. The chief of them was, that he was a gentleman and banneret, who had served the king's grandfather in his wars, and was not a subject of England."* "A gentleman condemned to death," says Segur, "was anciently not to be hanged, but beheaded, and his examination taken without torture."†

In the primary sense of *gentleman*, the king cannot create one; but as the king does create gentlemen, it appears that the word is not understood in any but a conventional sense. One John de Kingston was by patent received into the state of a gentleman, and created an esquire by Richard II.‡ Justice Norton, in the reign of Henry VI. said, "If a writ of doubt be brought against the serjeant of the kitchen in the king's household, I may write him cook, and my writ is good enough; and yet he hath a collar, and is a gentleman." Here he uses the word *gentleman*, applying it to those who were made esquire by the king's favour, because also they were by their creation put in the rank of the most eminent sort of gentlemen, on whom the title of *esquire* hath been since so fixed.§ This use of the two terms is altogether erroneous. The king's cooks, like those of other people, are menial servants, and their occupation is base. They may be serjeants and esquires, but not gentlemen, unless so born, in one modern sense of the word, or well educated and behaved in the other. In either case the title is irrespective of the occupation.

"The title of *gentleman*," says Selden, "(as we use it absolutely in common speech, when we attribute it to any man to whom it belongs in the largest acceptation in any of those countries,) denotes one that either, from the blood

* Et pur ceo q'estes gentil homme et baneret, et avetz servy au dit aiel en ses guerres, et n'estes liege homme nostre S'r le roi, vous serrez decolle sanz autre juyse avoir.—*Rot. Parl. t.* III. *p.* 451.

† B. IV. c. 16.

‡ Luy avons resceivez en l'estate de gentilehome et luy fait esquier.—1 *Part. Pat.* 13 *R.* II. *m.* 37.—*Selden, p.* 832.

§ Ib. p. 835.

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of his ancestors or the favour of his sovereign, or of them that have the power of sovereignty in them, or from his own virtue, employment or otherwise, according to the laws and customs of honor in the country we speak of, is ennobled, made gentile, or so raised to eminency above the multitude, perpetually inherent in his person, that by those laws and customs he be truly *noblesse* or noble, whether he have any of the precedent titles or not fixt besides on him."* Chaucer's notion of a *gentleman* is that of a well-bred man:—

But who is so vertuous,
And in his part not outrageous,
Whan such on thou seest thee beforn,
Though he be not gentill borne,
Thou maiest well shine (this is in soth)
That he is gentyll, because he doth
As longeth to a gentilman.†

An older poet than Chaucer styles the Saxon earls, Sigefrid and Morcar, two old gentlemen, obviously using the term synonymously with nobleman:—

Tuo old gentillemen Idrik did forfare,
The ton hight Sigeferd, the tother Sir Morgare.‡

Whether *gengylmen* be an error for *gentylmen*, or a term of which the explanation is to be sought, I am not certain: it occurs thus:—

Gengylmen that he vond in prison ek ope
Other in warde myd unrygt he brogte hem oute also.
Robert of Gloucester, p. 323.

The lax application of the highest title of nobility, one that is entirely independent of office and its positive or adventitious profits, is of very recent date. No longer since than the seventeenth century, the assumption of it

* Selden, p. 852.

† Romaunt of the Rose, v. 126. Elsewhere he describes the essential qualities of a gentleman to virtue, justice, sobriety, piety and truth; and adds:

"But ther may no man, as men wel se,
Bequethe his eire his vertuous noblesse."

‡ Robert of Brunne, p. 46.

was censured with severity, by an authority that appears to have been perfectly competent to enforce its penalties. The Quarterly Reviewer of Lord Nugent's "Memorials of Hampden," conveys in a striking manner, the estimation in which the designation of *gentleman*, when sustained by certain pretensions of birth and station, was upheld by the obsolete and tyrannical Court of Honour. "Its proceedings," he says, "were a grievance to the people not to be supported; 'the decrees of it,' says Bishop Hacket, 'were most uncertain, most arbitrary, most imperious; nor was there any seat of judgment in the land, wherein justice was brought to bed with such hard labour.' Justice might make out a case against the bishop for introducing her in such a manner into such a court. The mountain might have supplied a better metaphor. A citizen of London underwent its sentence for telling 'a well descended creditor,' who gave him hard words instead of discharging his bill, that he was no gentleman that would not pay his debts. Another party received its sentence for falsely saying, in way of defamation, that one Brown, who was of antient family, was descended from Brown the great pudding eater in Kent. Jack of the West, who had been an ostler and a famous wrestler in Lincoln's Inn Fields, set up for a gentleman, and took the arms of the Lord de la Warre's family. The Lord being an infant, his guardians brought the matter before the Court of Honour, where Jack's forged pedigree was disproved, and he was ordered to be degraded, never to rate himself as a gentleman any more, and to pay a fine of 500*l*. The grievances which grew out of this court, adds the Reviewer, constituted for such offences as this, must be ascribed to those who practised and presided in it, not to a system of tyrannical government."*

But it must also be ascribed to the higher value set upon such distinctions by society at large, for otherwise neither the court nor its judgments could have been tolerated,

* Quarterly Review, vol. xlvii, p. 484, 5.

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unless sustained by the kind of government, which the Reviewer denies, existed. The cases cited seem to prove that in those times, the word *gentleman* was understood in the sense of well-born; and if so, the judgments of the court, apart from its severe penalties, were just. In the modern acceptation of the term, it is just possible, that Jack, the ostler and wrestler, and Brown, the descendant of the pudding man, might not have reason to fear comparison with their aristocratical namesakes, with plebeian appellations.

Sir Walter Scott, in a short passage in his *Guy Mannering*, gives both the true sense of the term as now understood, and its vulgar misapplication: "Why this fellow ——" says young Hazlewood, "all the world knows him to be sordid, mean, tricking; and I suspect him to be worse. And you yourself, my dear sir, when did you call such a person a gentleman in your life before?"—"Why, Charles, I did not mean *gentleman* in the precise sense and meaning, and restricted and proper use, to which, no doubt, the phrase ought legitimately to be confined; but I meant to use it relatively, as marking something of that state, to which he has elevated and raised himself,—as designing, in short, a decent and wealthy and estimable sort of person."

However, if words were to be confined to their original signification, it would be doubtful whether any person living could lay claim to this title; for though some German and French pedigrees ascend sufficiently high to justify such a pretension; yet, from the legal necessity of divorces, and the frequent detection of falsities in genealogies, from neither of which the most illustrious families have escaped, few of these documents are free from reasonable suspicion. From the sexual frailty, which sometimes disturbs the purity of descent, and from which no family, imperial or servile, having notions of a descent of centuries, can, in the nature of things, be exempt, pedigrees are not the kind of evidence on which the philosophical historian would choose to place implicit reliance. Few have ever believed in remote and uncorrupted pedigrees. *Gentleman*

took its second sense of well-born, which seems to be its use in the modern *gentilhomme*, from the circumstance that he at least bore coat-armour; but if that were its true meaning in England, we should be obliged to allow such ruffian stabbers as Lord Mohun to be gentlemen. In the third and prevalent sense, resulting from the secondary sense of the adjective gentle, it embraces any class of people, who are not engaged in mechanical or servile employments:

> "Multa renascentur, quæ jam cecidere, cadentque,
> Quæ nunc sunt in honore vocabula, si volet usus,
> Quem penes arbitrium est, et jus, et norma loquendi."

Valvasor.

24. This title, whose etymology has occasioned great contrariety of opinion among professional writers, has already been shown to be an adaptation of the Sanskrit *varivas*, service, by the common change of an *r* to an *l*. The composition of the word (*vara*, to approve, wish for, and *vas*, to dwell, in the 4th class, or *vas*, to cover, in the second), seems to place the *valvasor* originally among household servants, and to denote one of the highest rank; but the circumstance that in Europe he was the tenant of a tenant *in capite*, may justify considering it in some respects as a title *sui generis*. As the etymology was unknown, the orthography was unsettled, and it appears as *valvasor, vasvessor, vavasor*, in antient works of equal authority. What is meant by it in one general sense is the vassal of a vassal, who holds of a prince; yet in old English the word is used for the latter:—

> "Sir kyng Isakin, I am thy vavasoure,
> My name is Statin, I will be no traitoure."*

The title was unquestionably introduced by William I., who, in translating the law of Cnute respecting *heregeats* into French, renders the *mid-thegn* of the Danish law by *vavessur*.† This fixes the precise rank, for the king's

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* Robert of Brunne, p. 166.

† De relief a vavassur, &c. c. 20; and Cnute's Laws, *De Hereotis*, c. 72.

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thegns being equivalent to the great barons, or *capitanei regni* or *regis*, the *mid-thegn* is the less baron, who was called *capitaneus medius*. Yet, according to Spelman, if any of the *capitanei regii* granted any part of their feods to their vassals, the latter were called *regii vel regis valvasores*,* which agrees with the English Chronicle above.

Judge Blackstone observes that, "the first name of dignity next beneath a peer, was antiently that of *vidames*, *vicedomini* or *valvasores*; who are mentioned by our antient lawyers as *viri magnæ dignitatis*. Yet they are now quite out of use; and our legal antiquaries are not agreed upon their original or antient office.†

Vicedomini, Vidames.

The *vicedomini*, in French, *vidames*, however, received their appellation from an office, which is not the subject of doubt. On the continent, they exercised a jurisdiction under the bishops, whose representatives they were, and thence took their titles. There was one *vidame* to each bishopric, in which he tried both civil and criminal causes, or *la haulte justice*, because the clergy were restrained by canon law from trials which were followed by the shedding of human blood. It is therefore doubtful whether the classification of the learned commentator be quite correct. *Vidame* is still in use in our Channel Islands.

That some office was denoted by the word *vavasor* is clear from the ancient law respecting general pleas or assizes, because after earls and bishops, several great officers are named with this title among them; thus 'sheriffs, *heretocks* (commanders of the army), *trehingreves* (judges of thirds of counties), *leidgreves* (judges of leets), vicars, *centeners* or hundred men, aldermen, mayors, *vavasors*, *tungreves*, and landlords.'‡ Comparing the latter part of this enumeration, which regards officers of corporate towns with a modern list of such functionaries, the *vavasors* occupy the place allotted to the mayor's assessors or councilmen,

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* Gloss. p. 220.

† Comm. I, 403.

‡ Ll. Hen. I. c. 8

between their chief and the bailiff. In a charter of Henry II., 1166, quoted by Du Cange, the following titles appear in succession,—earls, barons, vavasors, knights, citizens, burgesses, and husbandmen ("rustici"). On the continent, at the same period, the term was used in opposition to noble: "Tam nobiles quam vavassores."* Chaucer applies it to his franklin:—

Franklin.

"At sesiones was he lord and sire,
Full oft time he was knight of the shire;
An anlace and a gipsere all of silke
Hung at his girdle white as movwe of milke.
A sherife had he beene, and a coronour,
Was no where such a worthy vavasour."†

Francalia, or franklands, were estates free from tribute and service, an. 1247; the tenants were called *francalini*, or free tenants, whence the French *frauncleins*, as it appears in Trivet, an. 1307. A *feudum francale* could not be alienated without the king's permission, but it no where is found that the *vavasor* was exempt from feodal service; yet no one can imagine that Chaucer has not employed the word in strict propriety. In still older English, the *franklin* of a town, was its lord; Robert of Brunne, in his account of the statute of *Dead Hand* or Mortmain, as it is now called, makes *franklin* correspond with *seigneur de la terre*:—

"Was mad an other statute that non erle ne baron
No other lorde stoute, ne fraunkelyn of town
Tille holi Kirke salle gyve tenement, rent no lond,

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* Chart. an. 1157. Spon. Hist. Genev. II, p. 47.—*Du Cange*, VI, 1442.

† Mr. Richardson has the following illustrations of the word, among many others:—

For thaugh the fader be a fraunkelayne, and for a felon be hanged,
The heretage that the air sholde have ys at the kynges wille.
Piers Plouhman, p. 178.

England is so thick spread, and filled with rich and landed men, that there is scarce a small village, in which we may not find a squire or some substantial householder, commonly called a frankleyne; all men of considerable estates.—*Fortescue, de laud. Legum Ang. by Gregor, c.* 29.

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> Fro tho that now lyve in to the dedis houd,
> Without leve of the kyng or of hys counseale."*

Part of the original, quoted by Hearne, is the following:—

> "Est fet lestatut, qe counte ne baroun
> Ne *seingnour de tere* par my la regioun, &c."

Among the French, in the thirteenth century, the *vavasor* was the vassal of a baron or count, to whom he owed service according to the statute of St. Louis:—'No count nor other may give his liegeman or vassal, except to his brother or sister; but to them he may give him in part;† but he should not give him to a stranger, if he give him with all the obeissance or homage which he had, without retaining any. For if the baron gave him to one of his *vavasors*, it would to the damage of the vassal, for it would be necessary to render two obeissances, to him to whom he would owe it, and to the baron of whom he held his fee.'‡

As another term for homage appears, it may be permitted to remark that the French *obeissance* is derived from the Latin *obedientia*, and that the latter, both in name and thing, is a Roman form of the Sanskrit *abhivadana*, an obeissance, bow, or prostration before a person addressed by name.§

Whatever may be the signification of the word, or the office of the man, it is clear from the law of William I. that he was at least the *thegn* of a *tun*, and possessed a seat at the *burhgate*, the place of dispensing law and justice, besides the other requisites of a *churl*, who aspired to this rank; for there can be no doubt that the Mercian law,

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* Robert of Brunne, p. 166.

† *En partie*, query by name, as *de parte*, in Middle Age Latin?

‡ Nus ne queus, ne bers, ne autres, ne puet donner son homme de foy, se n'est à son frere ou à sa suer; mes à iceus le puet il donner en partie, mes il ne le pourroit pas donner à un estrange, se il ne le donnoit à toute l'obeissance que il avoit sans riens retenir. Car se li bers le donnoit a un de ses vavasors, ce seroit au domage de celui; car il convendroit faire deux obeissances, à celui, à qui il la douroit, et au baron, de qui il tendroit son fié.—*Du Cange*, *t.* iv. *c.* 1207.

§ Amera Cosha, p. 176, *v.* 40.

regulating distinctions of society, relates to the *middle thegns*, or *varasors*, and lords of towns:*—

> Opon the tother dai Edward thider cam
> To prisons of ther pray alle that ever thei nam,
> Were brought him bifore, thre erles, thre barons,
> And mo be five score knyghtes and lordes of touns.†

In the laws of Ethelbert, we read of offences committed in the *cyninges tun*, and the *eorles tun*, by which are clearly intended the estate or manor of a king and an earl; and all over England there are places designated by a Saxon proper name in the genitive case, followed by the word *ton*, implying the estate of the person designated as *burg*, or *borough*, in the same situation denoted his castle or fortress. This *tun* or *ton* is found in *Aquitania Mauritania*, and signifies, not an inclosed place as usually explained, but the region, country, or tract, of the Moor. Its etymon is the Sanskrit *tan*, to spread or stretch out; and extensibility, not contraction, is the essential idea of *tun* and *town*.‡ The towns having names composed in this manner, may have been the estates of the *mid-thegns*, and Charlton, in Kent, appears to have been that of a *ceorl*, who had not attained the rank.

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* 'And gif ceorl getheah, thæt he hæfde fullice fif hida agenes landes. cirican and kycenan. bell hus and burhgeat setl. and sunder note on cyninges healle. thonne wæs he thonon forth. thegnrihtes weorthe.' And if a churl throve so that he had fully five hides of his own land, a church, and a kitchen, a bell-house, and a seat at the burgh gate, and a special duty in the king's hall, he was thenceforth of thane right worthy.—*sect.* 2. The reason for a bell house and kitchen has been explained.

† Robert of Brunne, p. 277.

‡ As a general term, *town*, in English law, is taken to contain both boroughs and cities (*Coke*, 1 *Inst.* 115). This seems to have arisen from considering it a derivative to *tynan*, to shut. The difference between a town and borough, which were both collections of houses without a wall, seems to be that the latter had a *burh* or fortress in the centre or immediate neighbourhood, and so did not require a wall, while the former was without defence. In Luitprand, a burg is called "domorum congregatio quæ muro non clausa."—*L.* III, *c.* 12, *an.* 932. If the Sanskrit *puri*, a city, be the etymon, *burg*, the castle, takes its name from the place.

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A *vavasor*, holding his *town* of a great baron, corresponds with the Scottish *Goodman*, mentioned by Sir George Mackenzie.*

It has been shewn already that *goodman* was originally a military designation, equivalent to knight, though it may be of an inferior class; and it appears from this herald, that it is the same as *vavasor*, although etymologically the latter implies a servant.†

Commoner

25. By a very gross error of long standing, and committed by heralds and even lawyers, all persons of landed property under the rank of baron, are called *Commoners*. The aristocracy of country, whether titled or untitled, cannot be common people; and the lords of the soil are the natural aristocracy. The term *commoner* admits but of two senses; the one is the member of a community, which includes both high and low; and the other is a member, an actual member of a commune, or division of community including the whole nation. In the latter sense, a *burgess*, whether he be a mayor or the town's crier, is a member of his commune or borough. But the term *Commoner*, as applied to an untitled gentleman, must depend upon the whole kingdom or a part, and in either case it is defective in the important quality of precision. It does not distinguish him without admitting a conventional acceptation, of which there is no notion conveyed by the word.

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* Suprà, p. 315.

† Struvius has the following grades of vassals: the first chief or *capitanei*, whether dukes or princes, who held immediately of the king; the second, *Valvasors*, who held of dukes and princes; and the third, *Valvasini*, who held of the vavasor.—*Hist. Jur. Feud. p.* 710, in *Wachter*. Conjectural etymology is never safe: Wachter explains *vavasor* to be the servant of a servant, evidently in reference to the *vassi*. But the *vassi* were not servants in the sense of service as now understood. In the Capit. of Charles the Bald, they are everywhere joined in business of state with the great officers of the household, or the *comites missi*, and were therefore men of rank. Bouquet explains them to have been persons in the royal household. The derivation from the Celtic *gwas*, a servant, is puerile. If it be a Teutonic term, it is derived from the Sanskrit *vas*, to dwell, hence *vasa*, one residing in the house.

This last is the predicament in which *commoner* stands as the appellation of a class of the people. We have Commoners among *commoners*, but distinct from commoners whenever we speak of them as Commoners, which is nonsense, or a confusion of sense. We appear to mean by *Commoner*, as distinct from the other commoners, a person either a member of the House of Commons, or eligible to become one. In the latter case, we give him an application to which he is not yet entitled, and if we mean the former, the only sense in which it is admissible, we exclude all the gentry who are not members, and are guilty of a solecism, since *commoner* does not express our meaning. A member of the House of Commons is not a *commoner*, but a *house-commoner* or an *elected commoner*, supposing that the term *house of commons* is more correct than the *house of communes*, as it was anciently termed.

Commoner is marked in Bailey's Dictionary as a word of improper use, and defined "a member of the house of commons." In this sense a *Commoner* is one that represents the common people, otherwise the people of the commune, and is not so called because he is a common man; nevertheless, the term is not precise, because *commoner* means both a member of the house of commons and a common person. In the articles *super Chartas*, 28 Edw. I., "tout le commune d'Engleterre," signifies all the people of England; but *commonalty* is in general taken for the middle sort of the king's subjects, viz. such of the commons as are raised above the ordinary sort, and coming to have the management of offices; on which account they are only one degree below *burgesses, who are superior to them in order and authority*. The ordinary people and freeholders, or at best knights and gentlemen, under the degree of baron, have been called the *commonalty* or *community* of the kingdom.—See 2 *Inst.* 539.*

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* Jacob, Law Dict.

CHAP. X.

The statute of Westminster 1, 1275, runs thus:—The first general parliament held after the coronation—by the advice and assent of the archbishops, bishops, abbots, priors, earls, barons, "et la comminalte de la terre illeoques somons." Here the commonalty summoned to parliament can mean only those persons who were of the rank which entitled them to the writ of summons. There were, therefore, then, as now, *commoners* who were not common men, and, by force of the word, *commoners* who were common men.

The same absurdity is found in subsequent statutes and writs. In the statute 25 Edw. I., c. 6, (1297,) the commonalty of the land, after earls and barons, in parliament, means the knights, citizens, and burgesses,* who were commoners in respect of their communes, but being, therefore, above other untitled persons, could not be commoners or common men. Nearly the same words are found in the statute 7 Edw. II.† By other statutes we find these commoners termed *great men, grandees:* so runs the description of the parliament which passed the statute of sheriffs in 9 Edw. II., 1315, which states that it consisted of the "prelatz, contes, barons et autres grantz du roiaume somuns par nous."

In 51 Edw. III., the commoners or grandees are analysed thus: "Chivalers des contes, citiens des citees, et burgeoys de burghs y venuz par somonce de ce parlement;" and subsequently, that we may not mistake their generic term, they are styled "les dites communes."‡ Afterwards the members of the house of commons are termed *the people*, and the peers are called *grandees*, "de touz les

* "——As autres gentz de seinte eglise, e as cuntes e barons e a tote la communaute de la terre."

† Graunte per nous et per ercevesques et abbees priours countes e barouns et toute la comunalte de nostre roialme illeoqes a nostre mandement assemblez."

‡ Rot. Parl. *t.* II, *p.* 373.

grandz de sone royaume et de son poeple."* A person who may be styled by the term which does not degrade a nobleman, cannot be a commoner in the true sense of the word, and yet nothing is more ordinary than to call the English gentry *commoners*, although they may not have the right of sitting among the representatives of the communes. Blackstone says, "The commonalty, like the nobility, are divided into several degrees; and as the lords, though different in rank, are all of them peers in respect of their nobility, so the commoners, though some are greatly superior, yet all are in law peers."† It may answer the purpose to call the nobility peers, because the latter may be taken as a synonyme of noblemen, but it is a confusion of rank and order to style those who are above the common people, by a term which denotes the "rascality." Such appears to have been the opinion of Sir Thomas Elyot, who was employed on several embassies by Henry III., for he makes a just discrimination. "*Plebs* in English is called the *communalty*, which signifieth onely the multitude, wherin be conteined the base and vulgar inhabitaunts, not advaunced to any honour or dignitie: which is also used in our daily communications, for in the citie of London and other cities, they that be none aldermen or sheriffs, be called communers. And in the countrey, at a sessions or other assembly, if no gentyl men be ther at, the saying is, that ther was none but the communaltie, which proveth in myne opinion, that *plebs* in Latine is in Englyshe *communalty*, and *Plebeij* be *communers*. And consequently ther may appeare like diversitie to be in English between a public weale and a common weale, as should be in Latine between *Res Publica* and *Res Plebeia*. And after that signification, if there shall be a common weale, eyther the communers onlie wealthy and the gentyl and

* Acts of Privy Council, 13 Rich. II., 1389, vol. I, p. 14.

† Comm. I, 12.

CHAP. X.

noble men needie and miserable, or else excludyng gentylitie, all men must be of one degre and sort, and a new name provided."*

Sir William Segar, a professional writer on ranks and nobility, finds seven divisions of the people comprised under the term *Commoners:*—

1. The first are husbandmen, whose endeavour is employed about the fruits of the earth.
2. Artificers, occupied in arts either necessary, honest, or pleasing.
3. Victuallers, retailers of wares and chapmen.
4. Mariners and sea souldiers.
5. Fishermen.
6. Watermen and ferrymen.
7. Masons, and labourers in stone.
8. Workmen of little substance, and labourers.
9. Bondmen and slaves.

"Look, as you blow this feather from my face,
And as the air blows it me again,
Such is the lightness of your common men."

* Boke named the Governor, *fo.* 1 *b*, and 2, 12mo. Lond. 1580. In the edition by Mr. A. T. Eliot, Newcastle, 1834, the language is modernized, and we read the words, "and no gentyll men," meaning beyond all question gentlemen absurdly put, "and no *genteel* men."

CHAPTER XI.

Conclusion.

1.—Derivative Titles; Banneret. 2.—Baronet.

CHAP. XI.

Thus far, nothing has been said of those appellations of rank which may be properly denominated derivative titles, with the exception of *damoisel, donzello,* and one or two others similar; for *Viscount* and *Vidame* are not derivative but inferior dignities. There are, however, only two omissions, which any person can supply without assistance. These are *banneret,* which manifestly belongs to the class of *bannerherren* or bannerlords, and *baronet,* which, being a modern invention sufficiently explained under its principal, requires no elucidation.

Banneret.

1. With respect to the former, which, from the circumstances of its creation, was truly the highest mark of personal honor that could be conferred in those rude ages when bravery in the field was esteemed the noblest virtue, there is but little to say. The name imports the bearer of a small banner, and, in this respect, he differed from the baron, who bore a *gonfanon* or banner of war,* and the simple knight, who bore a penon. The *banner,* properly so called, was a square flag; the *penon,* according to the illuminations of ancient manuscripts, was a small square, having two long triangles attached to the side opposite that which was fixed to the lance or spear. These pendant portions resembling tails, were so denominated. Rastal defines a banneret to be a knight made upon the field of battle, with

* See p. 285.

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the ceremony of cutting off the point of his standard, and so making this a like banner. And such, he says, are allowed to display their arms on a banner in the king's army, like the barons.*

That was, no doubt, the mode of creation; but it appears from what was said of Knights Bachelors,† that a knight, or an esquire of four *bacelles*, or cow lands, and therefore, a bachelor, to whom the king had presented a banner on his first battle, became a banneret on the second; so that, in such cases, there would be no such ceremony necessary. From documents of the year 1485, belonging to the convent of the three orders in Bretagne, which Du Cange drew from the archives of the Chateau de Nannet, we find them called *banerers* ("banerii,"), placed next to barons, and in precedence of bachelors, lords *(seigneurs de la terre?)* knights, and other noblemen.‡ This estimation of his rank, shows that the banneret occupied the very same place that an act of the legislature assigns to the modern rank of *baronet* in England.

A manuscript by Dr. Kuerden, preserved in the library of Chetham Hospital, in Manchester, gives the following account of the knight banneret: "This knight was to appear in the army having his banner. He shall be led betwixt two other knightes, before the king or generall, bearing his penon of armes in his owne hand, in the presence of the nobility and other captaines. Then the herald shall say to the king or general: 'May it please your grace to understande that this gentleman hath showed himself in the field, and for so doing deserveth to be ad-

* "Banneret est un chivaler fait en le campe ove le ceremony del amputer le point de son standart; et feasant eco si comme un baron. Et tiels sont allouves pur display leur armes en un banner en le army le roy, comme barons font."—*Termes de la Ley, sub voc.*

† Suprà, p. 340.

‡ "Ad quod concilium celebrandum omnes et singuli episcopi, abbates, &c., comites, barones, banerii, baccalarii, domini milites et alii nobiles."—*Gloss.* I, *col.* 976.

vanced to the degree of a knight banneret, as worthy from hence forth to bear it in the war.' Then the king shall cause the points of his penon or guydon to be rent, and the new made banneret shall go to his tent betweene two other knights, the trompets sounding all the way before him, there to receive (*sic, sed qu.* pay?), fees, *videl.* to the herald 3*l.* 6*s.* 8*d.*, or, if before, he were a knight bachellor, then to pay also to the trumpets 20*s.* Then might at least 25 knights attend on him. The banneret and every estate above him may beare his banner displayed, if he be a captain and set his armes thereon."* This is not only curious, as not mentioned elsewhere respecting the practice in England, but, as far as such matter goes, it is valuable, since it comes from competent authority. Dr. Kuerden was the assistant or deputy of Sir William Dugdale, for the visitations of the northern counties.

Du Cange quotes an old manuscript of ceremonies, whence, among other things, we learn that another title was *banderet.* The Romans, it appears from passages cited by him, called their *semeion,* in the time of Procopius, a *bandon,* and bearer of it *bandophoros;* and Paul Warnefrid uses *bandum* as their term for *vexillum.*† Now *vexillum* is that which is carried, and *band,* in Persic, the original of this *bandum,* is *fascia;* so that most probably this *bandon* or *bandum,* a term which they might have learned in Greece, was not truly a banner, but the ordinary ensign of the legions, unless, indeed, through affectation of foreign terms, they really did apply it to the imperial eagle.

The passage from the ceremonial, which must be considered as applying to the banneret, is still more curious than Dr. Kuerden's account, and is to this effect: 'When a knight has served long, and followed the wars, and when he possesses so much land that he can keep fifty men of

* Kuerden MS. 4to. *fo.* 337.

† "Vexillum, quod bandum appellant, abstulit."—*De Reb. Longob. l.* I, c. 20.—*Suprà, p.* 286, *n.*

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quality *(gentils hommes)*, to accompany his banner, he may lawfully raise his banner, and not otherwise: for no other person may bear banner in battle, if he have not fifty men-at-arms *(hommes d'armes)*, and the archers and cross bow-men *(abalestriers*)*, who appertain to them; and if he has them, he should carry a penon with his arms in his first battle, and go to the constable or the marshals to request that he may be made a *banderet*, and if they grant his request, they must cause the trumpets to sound, and cut off the tail of his penon, and then he should raise and carry it with the others below the barons.' The reason of this practice Du Cange thinks is, that it was considered more noble to bear a banner than a penon; but as every full banner or standard denoted a country or feod, were it a dukedom or a free barony, may not the penon, with its tails, have been originally a full banner, from which the lord, on presenting a vassal with a portion of his own feod, to be held of him in chief, a triangular portion was cut in token of diminution? In other words, while the full banner denoted a large or baronial possessor, did not the penon, in like, represent the knight's fee?†

Baronet. 2. One approaches with reluctance the modern title of *baronet*, for as to the "*baronet*," in the statute of Richard II., it is so clearly a clerical error for *banneret*, as to call for no remark.‡ Grammatically, the term is clear enough; it is the diminutive of *baron;* but *baron* is emphatically a *man*, the liege vassal of the king; and *baronet*, therefore, etymologically would seem to imply a doubt. Degrees of honor admit of no diminution; a *damoisel* and a *donzello* are grammatical diminutives, but they do not lesson the rank of the bearer; for, on the contrary, they denote the heir to the larger honor, being attributed to none but the

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* Should we not read *arbalestriers?*

† For the use of the banner at investment with a fief, *See p.* 284.

‡ Soit il erchevesque, evesque, abbé, prior, duc, counte, baron, baronet, chevaler de counté, cittizien de citté, &c.—*St. Ric.* II. *an.* 5.

sons of the prince or nobleman, who bore the paramount title. They did not degrade, even in their etymological signification, which *baronet* appears to do, and no act of parliament can remove this radical defect. He is the "*eques sine equo,*" with this difference, that the *eques* may have had or may obtain the horse necessary to justify his designation; but the baronet has an unfortunate excess in his title, of which he cannot divest himself, but which weakens honourable import.

Independently of these considerations, the title arose from the expedient of a needy monarch to raise money, and was offered for sale. Any man, provided he were of good birth, might, "for a consideration," canton his family shield with the red hand of Ulster. In this respect, it differs considerably from the title of knight, which was also given at one time of our history upon an estimate of money; but then the possession of the income contemplated by the state,* made it compulsory upon the party to pay so much to the treasury or become a knight. And this, so far from being deemed a desirable honor, was regarded as a serious hardship.

The observations and suggestions of Sir James Lawrence, a knight of Malta, are very judicious. This gentleman says: "The title of Baron, which may be purchased on the continent for a hundred pounds, is too insignificant for any class of the peerage; but if a new made Baron be in the opinion of foreigners, *si peu de chose,* what must they think of a Baronet or little baron? As to the red hand on his carriage, no more attention is paid to it on the continent, than would be paid to a red foot or a red nose. The foreign herald mistakes it for a mark of cadetcy or of a

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* Temp. Hen. III.; those who were possessed of an estate of 15*l.* were summoned *ad militiæ dignitatem;* temp. Edw. I., it was 20*l.;* temp. Edw. II. 25*l.*; and afterwards 40*l.* Refusal subjected the party to a fine, from the time of 41 Henry III. See *Spelm. Gloss. p.* 218, and the quotation from Barrington, *p.* 334, 5.

younger branch, and conceives that it is rather a diminution than an augmentation. A coronet and supporters would not disparage the shield of Sir Egerton Brydges, though consisting of three hundred and sixty Princely, Royal, and Imperial quarterings; but the red hand only disfigures the simplicity of his ancient paternal coat.

"Well then, let the title of Baronet, together with his red hand, cease to exist. Let the Dukes remain as they are; add the Earls to the present Marquisses, and give the title of Earl, or rather of Count, to the present Viscounts and Barons. And let these three classes—Dukes, Marquisses, and Counts—compose the House of Peers or high nobility."*

The latter portion of the suggestion, however, cannot be tolerated: an English earl can never be confounded with the foreign count, who may either be an actual or only a titular count. The titular counts are the sons of the actual counts, and are consequently very numerous. It is, therefore, a title which conveys no idea of dignified rank, and is besides too widely diffused. If the baronet become a baron, he will necessarily become a lord and a peer; and since, according to Sir James Lawrence, he is not to sit in parliament, the change would revive the distinction between lords of parliament and simple lords, or great and less barons.

Difficulties of this kind are readily surmounted. If it be objectionable to detach the title *baron* from the lords of parliament, and as the diminishing term *baronet* ought to be extinguished, the whole object of raising an order of men above the common knight and below the baron, would be accomplished at once by leaving the title *Sir* untouched, and granting supporters, and legalizing the term *hereditary knight*, or something equivalent, to denote the perpetuity of the honor in the family of the person so distinguished.

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* On the Nobility of the British Gentry, 4th Edit. p. 112.

These, however, are matters that can concern none but the nobility and the persons who bear the designation of *baronet;* and with respect to any alterations of the existing titles of the peerage, it may be doubted whether a legislative act will be powerful enough to raise them higher in the estimation of the people. The immense number of titles which have been granted since the accession of George III., by ministers, anxious for parliamentary majorities, has considerably tended to tarnish the lustre of the British nobility. "Les titres et les dignités ne sont plus un but aujourd'hui; ils ne sont qu'un moyen. On ne plus depute pour defendre les interêsts du son pays." The small number of historical families who remain, however, may possibly cover the great blemish, occasioned by political corruption in rewarding political subserviency with the honors, that, conferred on the meritorious, derive a splendour from them, which no monarch can impart to either.

APPENDIX.

RIGS MAL.

An allegorical account of the origin of ranks and titles, composed in the 7th or 8th century.

Rigs Mal.

Dr. Jamieson translated the above title of this ancient poem, *The Song of King Eric.* It is frequently cited in the glossary to Sæmundar Edda, under the title of *Rigs thula,* the Speech of Eric. The following account of him is given by the Doctor, in his *Illustrations of Northern Antiquities* :—

" Rig (the rich), or Eric the Second, who ruled in Scandinavia about the end of the second century, is the hero of the following piece, which is supposed to be a production of the seventh or eighth century. He is said to be the first of the Goths in Scandinavia, who assumed the denomination of king, his predecessors having been called *Diar* or *Drottnar,* that is, chiefs and lords. He is likewise the first who divided his subjects in three distinct classes, of nobles, husbandmen, and slaves, distinguishing precisely the right and privileges of each; and upon this foundation the following allegorical poem was constructed. The fiction is exceedingly simple, being no more than a personification of the different orders of society, and making them the chil-

APPEND. — *Rigs Mal.*

dren of king Rig. But this simplicity in the design, and the plain and unambitious manner in which the story is told, constitute the principal excellence of the piece, which is certainly, so far as it goes, one of the most curious and interesting 'manners-painting strains' that have been preserved, not excepting the Odyssey of Homer. On this account it is deserving of much more attention in a historical point of view, than it has hitherto met with, as it gives us in a few short lines a complete picture of the manners, dress, education, pursuits, and habits of life of our northern forefathers, upwards of a thousand years ago. Of the fidelity of the outline, there can be no doubt, as the *skald* (if he deserves that name), has painted from nature, and gives us the manners of his own time; and the baldness of the execution is the best warranty for the accuracy of his delineations. Those who are acquainted with the present condition of the lower class of Scottish Highlanders, will be surprised to find their out-of-door and fire-side scenes so minutely described by a Scandinavian poet of the seventh or eighth century.

"The following copy is no more than a reprint of that which was edited at the University of Lund, in Sweden, in 1801, by Emanuel Wenster. It was only a college exercise; but the *imprimatur* of the learned president, Professor Sjöbery (to whom I am indebted for my copy), is sufficient security for its accuracy."—*Illustrations, p.* 444.

Scandinavian history or fable represents Danur as first assuming the title of king, and he is said to have reigned 1040 years before the Christian era.—(*Ynglinga Saga, cap.* 20.) Sperling makes the first king to be Rikr, in 258, and this appears to be the monarch whom Jamieson calls Eric; but it does not follow that he should also be the Rig of the poem, who is plainly stated to be one of the *Asir* or Gods of Scandinavia, namely, Heimdaller, a son of Odin, who called himself Rig. Whether it be an allegory of the distribution of society, by king Rikr, into three classes, or an allegory of the progress of society from a

savage to a civilized state, under divine superintendence, and the gradual rise of nobler ranks, may admit of dispute. APPEND. *Rigs Mal.*

The poem is transcribed exactly as it is printed by Jamieson, without correction of any of the errors.

Svo segia men i fornum sögum ad ein hver af Asum, sá er Heimdallr hiet, fór ferdar sinar oc fram med siáfar strondu nockri oc nefnedist Rigr. Efter saugu theirri er kvædi thetta.

I.

Ar quadu ganga
grænar brautir
aflgann oc alsæminn
As kunnigann
romann oc roskvan
Rig stiganda.

II.

Geck hann meir at that
midrar brautar
kom hann at húsi
hurd var á gætti
inn vann ad ganga
elldr á gólfi.

III.

Hión sátû thar
haurd af cárne
Ai oc Edda
Alldin fallda.

IV.

Rigr kunni theim
rad at segia
meir settizt hann
midra fletia
enn á hlid hvara
hión salkynna.

V.

Thá tok Edda

Men relate in ancient histories that one of the *Asir* or Gods who is called Heimdall, went on a journey, and coming to a certain sea coast, named himself Rigr (or Eric). According to the story, he sang as follows:—

I.

Of yore, 'tis said, there went,
along green ways,
the deeply skilled Asian,
powerful and honored,
robust and adult,—
Eric proceeding.

II.

He continued his course
along the mid road;
and came to a house,
whose door was ajar:
straight stept he within,
where a fire blazed on the floor.*

III.

A couple sat there,
hardened by labour,
Goodman and Goody,†
in ancient garbs.

IV.

Eric was able
to give them advice,
and he set himself down,
on the middle of a bench,
and on each side were
the folk of the house.

V.

Then Goody took up ‡

---

* "In pavimento ignis." As in some huts in the Scottish Highlands, the smoke passing through a hole in the roof.

† Proavus et proava. *Ai* and *Edda* are the Sanskrit *ayus*, age, and *adi*, the beginning. The meaning of *Edda* has been deemed obscure.

‡ Description of the condition of men in the lowest order of society.

APPEND.

Rigs Mal.

okunn leif
thúngann oc thyckvann
thrunginn sádum.

VI.

Bar hon meir at that
midra skutla
sod var i bolla
sette á biód
var kalfr sódinn
krása beztr.

VII.

Reis hann upp thadan
reidzt at sofna
Rigr kunni theim
rád at segia
meir lagdizt hann
midrar reckiu
en á hlid hvara
hion salkynna.

VIII.

Thar var hann at that
thriar nættr saman
geck hann meir at that
midrar brautar
lidu meir at that
mánudir nió.

IX.

Jód ól Edda
jósu vatni
hörvi svartann
heitu *Thræl*
han nam at vaxa
oc vel at dafna.

an uncouth loaf,*
heavy and thick,
and full of bran.

VI.

Afterwards she bore it,
to the middle of the table,
where was broth in a pot,
and she placed on the board
a boiled calf in a dish,
of dainties the choicest.

VII.

Thence he rose up,
ready to sleep:
Eric was able
counsel to give them;
so laid himself down
on the middle of the bed,
and on each side were
the folk of the house.

VIII.

There was he afterwards
three nights together.
He went forth again
along the mid road.
There elapsed after that
a space of nine months.

IX.

A son Goody bore,
whom they sprinkled with water,
and the swarthy of skin
they named *Thrall*.†
He took to growing,
and to do well.

---

* "Conspersum cinere panem."—"Nam in cinere et prunis coctus fuit." Though the Swedish editor may be right in his comment, the word *okunn* is unknown, strange, uncouth; and the writer means either that it was so to Rig, or would be, if seen, when the poem was written.

† The custom of sprinkling with water, or dipping in it, the child on giving it a name, is a very ancient Oriental rite or practice. The Swedish editor notices that it prevailed among the Scandinavians before their conversion to christianity, as in fact this poem is evidence of it; and he refers to Ragnar Lodbroks Saga, p. 15; Suhm. *l.* c. p. 243, 279; Lagerbring, *l.* c. p. 446.

APPEND.

Rigs Mal.

X.

War thar a höndum
hrockin skinni
kropner knúar
fingur digrir
fulligt andlit
lotr hrigr
lagir hælar.

XI.

Nam han meir at that
magns um kosta
bast ad binda
byrdar giörva
bar han heim ad that
hris giörstann dag.

XII.

Thar kom ad gardi
gengilbeina
or var á ilium
arma sólbrunninn
nidrbiugt var nef
oc nefndizt Thye.

XIII.

Midra fletia
meir settizt hon
sat hiá henni
sonr huss
ræddu oc ryndu
reckiu giördu
Thræll oc Thye
thrúngin dægr

XIV.

Baurn ólu thau
biuggu oc undu
hygg ec heti
Hreimr oc Fiösner
Klur oc Klöggr
Kefser Fulner
Drottr oc Digralldi

X.

There was on his hands,
a rough furrowed skin;
with bandy knees,
clumsy fingers,
misshapen features,
a crooked back,
and protruding heels.

XI.

He began then
his strength to employ,
bast to entwine,
bavins to make,
and bore he home then
wood every day.

XII.

There came to the village
a gangrel-legged lass;
with sweat on her feet,
arms sunbrowned;
down-hooked was her nose,
and she was named *Thew.**

XIII.

On the middle of the bench
she sat herself down:
and near her there sate
the son of the house:
they talked and considered,
and made their bed,
did Thrall and Thew,
on busy days.

XIV.

Children they had;†
they embraced them and loved;
I remember they called them
Cold-endurer and Herdsman,
Clown and Grumbler,
Troubler and Stuffer,
Slow-foot and Fatchops,

---

* *Thye*, a female worker or labourer.

† It is not easy to find English equivalents for the proper names, which throughout the piece are intended to convey an idea of the general kind of individuals comprised in each order. Here, for instance, the occupations, characters, or personal qualities of working men are indicated.

Drumbr oc Hösnir
Lutr Leggialdi.

Bumpkin and Growler,
Humpy and Trickster.

XV.

Lögdu garda
akra toddu
unnu at svinum
geita gættu
oc grofu torf.

XV.

They laid down hedges
and fields manured;
they tended their swine;
they guarded their goats,
and they dug up turf.

XVI.

Dæter voro thær
Dumba oc Kumba
Oek Kvinkalfa
oc Arinn-nefia
Ysia oc Ambatt
Eikin-tiasna
Törtrug Yppia
oc Trönubenia
thadan eru komnar
Thræla ættir.

XVI.

The daughters were these,
Misty and Blowzy,
Thick calves and shanks,
and Pug nose:
Forward and Servant,
Bound-with-wood;
Clumsy and Leaky
and Timber-legs:
from these are come
The race of the *Thralls.*

XVII.

Geck Rigr at that
midrar brautir
kom han at húsi
hurd var á gætti
inn nam at ganga
elldr var á gólfi
hion sato thar
helldu á syslu.

XVIII.

Further went Eric
along the mid road:
he came to a house,
whose door was ajar:
stepped he in straight,
and found the fire on the floor;
a couple sat there
who held to their work.

XVIII.

Madr telgdi thar
meid til rifiar
var skegg skapat
skaur var fyri enni
skyrtu thröngva
smockr á halsi.

XVIII.

The good man was cutting
wood for a spindle;
his beard was in order,
and straight combed was his hair;
a narrow skirted
smock hung from his neck.

XIX.

Sat thar hona
oc sveigdi rock
breide fadm
bió til vadar
sveigr var á höfdi
smockr var á bringu
duckr var á halsi
dvergar á oxlum
Afi oc Amma
attu hús.

XIX.

There sat the good wife,
and whirled her rock,
with arms extended,
intent on a gown;
her hair was tied up,
o'er her bosom a smock,
a shawl on her neck,
buckled over her shoulders.
Grandfather and Grandmother
kept the house.

Rigs Mal.

XX.

Rigr kunni theim
rad ad seggia
reis frá bordi
red at sofna
meir lagdist hann
midrar reckiu
en á hlid hvara
hión salkynna.

XX.

Eric was able
to give them advice,
and arose from the table,
ready to sleep.
He lay down then
in the middle of the bed,
and on each side were
the couple of the house.

XXI.

Thar var hann at that
thriar nættur saman
lidu meir at that
mánudir nio
jód ól Amma
jósu vatni
köllu du Karl
kona sveip ripti
raudann oc riodann
riduda rauda.

XXI.

There he resided
three nights together.
After there had passed
nine lunar months,
a son Grandmother bore;
they sprinkled him with water,
and called him *Charles.*
The good wife in a wrapper inclosed
the red-haired and ruddy cheeked
lad with piercing eyes.

XXII.

Hau nam at vaxa
oc vel at dafna
öxn nam at temia
ardr at giörva
hús at timbra
hladur at smida
karta at giörfa
oc keyra plog.

XXII.

He took to growing
and to do well,
oxen he began to tame,
roofs to make,
houses to build,
granaries to form,
carts to construct,
and the plough to drive.

XXIII.

Heim óku tha
hángin-luklu
geita-hyrtlu
oc giptu Karli
Snör heitir su
settizt undir ripti.

XXIII.

To his home there drove in a car
a maiden called *Spinster,*
with keys at her side,
and goat skin kirtle,
who married Charles,
and sat under the cloth.

XXIV.

Biuggu hión
oc bauga deildu
breiddu blæiur
oc bú giördu
baurn ólu thau
biuggu oc vndu.

XXIV.

The couple embraced
and rings exchanged;
blankets they spread
and chamber prepared;
children they had
whom they fondled and loved.

XXV.

Heit Halr oc *Drengr*
Hauldr Thegn Smidr

XXV.

These were Freeman and Braveman
Hold, Thane, and Smith,

APPEND.

Rigs Mal.

Breidr Bondi	Broadshoulders and Bonde,
Bundin-skeggi	Bound-up-beard,
Bui oc Boddi	Tiller and Farmer,
Brattskeggr oc Seggr.	Shortbeard and Swordsman.
XXVI.	XXVI.
Enn hetu svo	The girls were called thus
andrum nöfnum	by other names :
Snot Brudr Svanni	Prudence, Wife, and Swanlike,
Svarri oc Sprakki	Imperious and Prattler,
Fliod Sprund oc Vif	Bland, Sprightly, and Maid,
Feima Ristill	Modesty and Lady.
thadan eru komnar	From these are come
Karla ættir.	the races of the *Churls.*
XXVII.	XXVII.
Geck Rigr thadan	Eric went thence
rettar brautir	along a straight road ;
kom han at sal	he came to a hall,
sudr horfdu dyr	to the south looked the doors,*
var hurd hnigin	the gate was down (closed)
hringr var i gætti.	with a ring in the door.
XXVIII.	XXVIII.
Geck hann in at that	Then he went in,—
Gólf var stráad	the floor was spread over with straw ;
sátu hion	there sate the couple,
sáz i auga	Father and Mother,
Fadir oc Modir	in each other's eye gazing,
fingrum at leika	with their fingers at play.
XXIX.	XXIX.
Sat hús gumi	There sate the husband,
oc snerre streing	and twisted strings,
alm of bendi	an elm-bow he bent
örvar skepti	and arrows shaped :
enn hus kona	but the housewife
hugdi at örmum	attended to her labour,
strauk of ripti	smoothed her linen,
strekti ermar.	and straightened sleeves.
XXX.	XXX.
Keistc falld	Choice was her robe,
ringa var á bringu	a ring o'er her waist,†
sidar slædur	her clothes low down
fer bláfáan	of blue colour, she wore ;

* The entrances of houses, tombs, and temples, had generally this aspect.

† "Hoc loco ornamentum quoddam lunatum indicat, simile forsan fibulis pectoralibus puellarum nostrarum Scanensium."

brun biertare
briost liosare
hals hvitari
hreioni miöllu.

XXXI.

Rigr kunni theim
rad at seggia
meir settizt hann
midra fletia
en à hlid hvara
hión salkynna.

XXXII.

Tha tok Modir
merktan dúk
hvitann af hörvi
oc huldi biód
hon tók at that
hleifa thunna
hveita af hveiti
oc huldi duk.

XXXIII.

Framsetti hon
fulla skutla
silfri varda á biód
fan oc fleski
fugla skeita
vin var i könnu
vardir kálkar
drucku oc dæmdu
dagr var á sinnum
Rigr kunni theim
rád at segia.

XXXIV.

Reis Rigr at that
reckiu giördi
thar var hann at that
thriar nætr saman
geck hann meir at that
midrar brautar
lidu meir at that
manudir nio.

XXXV.

Svein öl Modir
silki vafdi
jósu vatni
Jarl letu heita

her countenance was brighter,
her breast more shining,
her neck whiter,
than pure snow just fallen.

XXXI.

Eric could to them
counsel say;
so he sat down
on the middle of the bench,
and on each side
the household pair.

XXXII.

Then took Mother
an embroidered cloth,
white, and of linen,
and covered the table:
she took after that
delicate cakes,
white, and of wheat,
and covered the cloth.

XXXIII.

Forth she placed
on the table full dishes,
with silver mounted;
beans and bacon,
fowls spitted (*i. e.* roasted);
wine was in their can,
their cups were mounted;
they drank and conversed
till the day was passing.
Eric was able
to give them advice.

XXXIV.

Eric rose then
and made his bed.
There he resided
three nights together.
Afterwards he went
on the middle of the road;
there elapsed after that
lunar months nine.

XXXV.

A boy Mother bore;
in silk enwrapped him;
they sprinkled him with water,
and *Jarl* had him called;

APPEND.

Rigs Mal.

bleikt var hár
enn biartar vangar
ötul voru augа
sem i yrmlingi.

fair was his hair,
and bright his cheeks ;
sparkling his eyes,
as those in a serpent.

XXXVI.

Upp óx thar
Jarl à fletium
lind nam at skelfa
leggia á streingi
alm at beygia
örvar at skepta
fleini att fleygia
fröckur at dyia
hestum rida
hundum verpa
sverdum bregda
sund at fremia.

XXXVI.

Up grew there,
Jarl in the dwellings,
linden arms shaking,
shafts to string fitting,
bow of elm bending,
swift arrows shaping,
javelin darting,
lances casting,
horses riding,
dogs training,
swords brandishing,
rivers swimming.

XXXVII.

Kom thar at ranni
Rigr gangandi
Rigr gangandi
runar kenndi
sitt gaf heiti
son kvedzt eiga

XXXVII.

There came to the mansion,
Eric fast walking,
Eric fast walking :
who taught him runes,
and gave him his promise,
and said he would own him his son.

XXXVIII.

Thann bad hann eignatz
ódal völlu
ódal völlu
oc alldnar bygdir.

XXXVIII.

Then bade him be possessed of
hereditary plains,
hereditary plains,
and ancient villages.

XXXIX.

Reid hann meir thadan
myrkvann veg
heilug fiöll
unz at höllo kom
skapt nam at dyia
lind skelfdi
hesti hleypti
oc biörvi brá.

XXXIX

Thence Jarl rode forth,
on a darksome way,
to the sleety fells,
till he came to his hall ;
the spear he began to hold,
linden weapons he shook ;
mounted his horse,
and brandished his sword.

XL.

Vig nam at vekia
völl nam at riöda
val nam at fella
va til landa.

XL.

He began to raise war,
to redden the plains,
slaughter to spread,
and lands to invade

XLI.

Red hann einn at that
atian búvm

XLI.

Afterwards he alone ruled
eighteen villages :

aud nam skipta
öllum veita
meidma oc mösma
mara svangrifia
hringum hreytti
hió sundr baug.

XLII.

Oku mærir
vrgar brautir
komu at höllu
thar ed Hersir bió
mætti han
miófin garde
hvitri oc hoskvi
hetu Erna.

XLIII.

Badu hennar
ok heim óku
giptu Jarli
gek hun vnd line
saman biuggu thau
oc ser undu
ættir jóku
oc alldrs nutu.

XLIV.

Bur var hinn ellzti
enn barn annat
Jod oc Adal
Arfi Mogr
Nidar oc Nidiungr
namu leika
Sonr oc Sveinn
sund oc tafl

his riches he distributed,
giving to all
treasure and presents,
steeds stately and sleek;
rings he divided,*
and bracelets in sunder hewed.

XLII.

Great men drove
along miry roads,
and came to the hall,
where the *Baron* dwelt.
A maiden met them,
of slender form,
fair and graceful,
named Eagle.

XLIII.

They made suit for her,
and drove her home,
and in marriage gave her to Jarl.
and she went under the nuptial pall.
Together they lived,
and loved each other:
their family increased,
and life they enjoyed.

XLIV.

Bur was the eldest,†
and other children were these,
Child and Noble,
Heir and Sturdy,
Son and Nephew,
Youth and Kinsman
who took sport
in swimming and chess.

---

* Many of these massive rings are preserved in the North. They were used as money, and paid or given whole or in parts. Some had smaller rings attached to them. Hence a common expression was *to cut a ring,* equivalent to paying so much money:—

"Hear thou now, gude ferryman,
Thou row me o'er the Sound,
And I'll gie thee my gude ring,
It weighs well fiftene pound."

Translation of an old Danish Ballad, by Dr. Jamieson.

† *Bur,* a son, and a proper name of Odin.

Kundr het einn	One was called First born,
Konr var hinn yngsti.	and Cousin the youngest.*
XLV.	XLV.
Upp óxu thar	Up they grew there
Jarli bornir	the children of Jarl,
hesta tömdu	horses they broke in,
hlifar bendu	bowed shields formed,
skeyti skofa	sheaths they scooped,
skelfdu askr.	and trees overthrew.
XLVI.	XLVI.
Enn Konr vngr	But the young cousin
kunni runar	knew his runes,
æfinn runar	ancient runes,
oc alldr runar	and the runes of his time.†
meir kunni hann	He knew how besides,
mönnum biarga	men to protect and aid,
eggiar deyfa	edged weapons to blunt,
elldi at lægia.	and fires to extinguish.‡
XLVII.	XLVII.
Klök nam fugla	Fowls' language he knew,
kyrra elda	could stay conflagrations,
sæva oc svefia	and waves restrain—
sorgir lægia	sorrows assuage,
afl hafdi oc eliunn	and the strength and daring
atta manna.	he had of eight men.
XLVIII.	XLVIII.
Hann vid Rig Jarl	Eric with the Jarl
runar deildi	his learning divided,
brögdum beitti	in doctrine disputing,
oc betr kunni	and better he knew:
þá ödladist oc	then riches acquired, and
þá eiga gat	thus it fell out
Rigr at heita	that he was named *Rich*,§
rúnar kunna.	being skilled in runes.
XLIV.	XLIV.
Reid Konr vngr	Young Konur rode
kiörr oc skóga	to the lakes and forests;

* *Konr* is sometimes a nobleman.

† The different kinds of *runes*, the knowledge of which constituted the learning of the time, may be found in Brunhilda's Quida, in *Volsunga Saga*. Some were supposed to have magical properties, and were used for incantations, talismans, &c.

‡ He could act on occasion like one of our firemen.

§ Powerful; Suprà, p. 179, &c.

kolfi fleigdi
kyrdi fugla
tha quad that kraka ein
sat quisti à.

arrows he shot,
and birds he tamed.
Then sang the solitary crow
sitting on a bough.

L.

Hvat skalltu Konr vngr
kyrra fugla
helldr mættu thier
hestum rida
oc her fella.

L.

Why must thou, young Konur
tame birds?
Rather mightest thou
chargers ride
and the host strike down.

LI.

As Danr oc Dampr
dyrar hallir
ædri ódal
en thier hafit
their kunno vel
kiöl at rida
egg at kienna
vndir riúfa.

LI.

Swede or Dane, or *Danpur*[*]
has precious halls
and other (*i. e.* better) heirlooms
than thou, and
they know well how
in ships to sail,
edged weapons to use,
and gashes to make.

---

[*] The empire of Denmark, when it consisted of Denmark proper, and West Gothland.

ADDITIONAL NOTES.

APPEND. Page 10. *The particular or technical sense of the term.* This passage is incorrect. It should have had *terms*, in the plural, and continued thus, "under investigation, when they became appropriated to any peculiar purpose of designation."

— 14. "*The staple words of a tongue are traced to the strange languages of remote, and it may have been, unknown people.*" The observations of Verelius in claiming for Gothic terms a Gothic parentage, deserve attention :—"Origo feudorum a Barbaris est, puta Gothis, Vandalis, Longobardis, &c. qui barbaria sua nobiles nil Græce, nil Latine, norunt. Non igitur credibile est, ut ipsi patriis suis muneribus exoticas quærerent appellationes, duras præsertim et insolitas, cum vel ipsas quidem notissimas non admitterent. Quis enim non videt, eos sic admiratos esse suæ gentis vocabula, ut proscriptis Græcorum Romanorumque illis, hæc (cum jugo simul) utrique imperio et omnibus Europæ populis imposuerint.—*Ind. Scytho-Scand. p.* 287. The terms *gentilis* and *barbarus* are remarkable exceptions if they were understood in a Roman sense; but the great probability is, that the Northern nations mistook them for marks of honour. *See p.* 92.

— 17. "*As it invariable in all cases,*" &c. read: As it is said to be invariable in all cases, &c. The Reviewer of Jäkel says: "This law is undoubtedly strict in the earliest languages (one reason why we apply to them only), but relaxed somewhat in course of time." I have met with some exceptions in the early languages.

— 20. *Scarcely altered in orthography.* That is, with the exception of the regular mutations which occur in transition, and which are the foundation of Grimm's canon and Professor Pott's *Etymologische Lautvergleichungstafel* (I. *p.* 82) showing the changes of each Sanskrit consonant as it passes into Latin, Greek, Lithuanian, Gothic, Old High German and Persic. The alteration in orthography, therefore, does not disguise the word, but the latter becomes difficult and doubtful if a real or irregular variation take place.

— 20. *The family of Gautama or Jutama reminds us of the Gothones.* Torfæus concludes Odin to have entered Scandinavia 500 years before Christ, which is the period of the last Buddha or Mahavira. Odin's successor was Gotama, and Gotama was the successor of the last Buddha or

Mahavira, who as Gotama or Gandama is still adored from the straits of Malacca to the Caspian Sea.—*Col. Tod, Annals of Rajasthan*, I, *p*. 64. There was another Odin contemporary with Krishna, about 1000 years before Christ. To this the mythological legends belong. APPEND.

P. 20. *Who appears to Danur.* Who appears to *be* Danur.

— 26. *The Gothic D constantly answers to the classical T in the cognate words.* In the canon, the Gothic D answers to Greek Th; but the Latin has no such aspirate, and a T takes its place. Hence, A.-Sax. *aldor* is truly Lat. *altor*, as stated ; hence too *aldi, aldii, aldiones*, &c. cannot be Latin words, though they have Latin forms.

— 27, *n*. *Alviss appears to be an importation of the Sage* (not *Saye*,) *Alavala.* In the old way of analysing words, *alviss* is *all-viss*, all wise, omniscient; and it may be right. But in the transmission of proper names into Northern mythology, there have been greater metamorphoses than are observed in the liberties which the Greeks took with foreign appellations. I cannot but think that the Indian name is the foundation of *Alviss*. *Alavala* is a basin round the foot of a tree to support it with water.

— 31. *Save tribes of southern Africa.* M. Kolben, speaking of the Hottentots, says: "One horrid custom remains to be particularized. When persons of either sex become superannuated, or, in short, unable to perform the least office for themselves, they are then, by the consent of the *kraal*, placed in a solitary hut, at a considerable distance, with a small stock of provisions within their reach ; where they are left to die of hunger, or be devoured by the wild beasts. Cruel as this custom is, they consider it as an act of mercy; and are filled with astonishment when they hear it reprobated by Europeans. It must, however, be confessed, that they never practice this dreadful desertion of the aged, till life is absolutely a burden. While the old are capable of any act of humanity, they are treated with the tenderest attention, and care is taken to relieve the burden of their years." —*Mavor's Collection of Voyages, Vol.* IV. *p*. 41.

— 34. *Al*, also *alam*, be able. Read "*Al* (also *alam*, able,) to be able." It seems better to explain the roots as if they were infinitives, for the addition of the grammatical sign convey no additional import to one who is not acquainted with the language, while the neglect of it in English, causes either a mistake or an obscurity.

— 42. *Thiude*, the people, should be *thiuda*, the people. The Sanskrit *patimat*, governing, might be added to these words. The termination *mat*, is an attributive of possession, and the whole seems to have primarily signified the possession of the means of sustaining the people.

— 44. *The Romakas*, (erroneously *Romaikas*,) are mentioned before p. 20. See *Asiatic Researches, v.* III, *p*. 349, &c.

— 45. *Fedesl*, in Anglo-Saxon, is better illustrated by the Icelandic *fædsla*, food, nourishment, than *veitsla*, a feast; but the latter became a forensic term in the feodal and fiscal laws of the north.

— 46. *Gras t'hacoor*, &c. Read, "composed of *gras* and *t'hacoor*, where *gras* is literally a mouthful, and the whole *grasya t'hacoor* is the

APPEND. consumer of a mouthful." Not adverting to the different modes prevailing among different authors, of representing Oriental sounds by European characters, this translation is probably wrong; the *coor*, or *khor*, is a common termination to denote an eater. If the first syllable be a corrupt contraction of *dhā:ka*, an ox, food, &c., the title may not unlikely have reference in its present application to the hide of land (See *Chursa, p.* 47), which in so many countries denotes a certain measure, and thus while the literal meaning of the *grasya t'hacoor* is a mouthful of ox, the applied term denotes the enjoyer of a portion of land granted out of a larger estate.

P. 46. *We see a like principle of nomenclature.* The general appellation *Asiatic*, from *Asia*, seems to denote the *eater*. Sanskrit *as* or *aç*, r. g. comedere, and *asana* or *açana*, who eats.

— 47. *Feudum.* Stiernhielm employs these words: "Et hinc decantatum illud feudum, bona, *sc.* quæ sunt data *till födum, h. e.* in alimentum: de cujus vocis etymo Andabatarum more digladiantur linguæ Scandicæ imperiti interpretes legum Longobardicarum." This learned jurist looks upon it to be a Scandinavian word, introduced into the southern parts of Europe by the Longobards. The Swedish phrase, cited above, *till* or *til födum*, besides literally signifying *for aliment*, is the very word in question, *foedum, feodum, feudum.*

— 50. *Emphytensis* appears twice instead of *emphyteusis.* The entire passage relating to this suggested etymon of *feudum* is too long for extraction, though it merits attention.

— 51. *Lön, in Swedish.* The Swedish is *la°n*, and it is merely the etymological equivalent of the English *loan*, but it strictly answers to the A.-S. *lean*, a stipend, which is the original of *loan.* The A.-S. *ea*=*oa* Engl., and *a°* Sw. The Swedish signifies wages.

— 58. *They applied the same principle to land.* It is an Asiatic principle: "In the east, especially in Rajasthan, the king has no title to the soil, nor any right whatever over the land beyond the revenue which accrues from it. In our feodal system, however, it was an essential principle that the king was the universal lord, and the original proprietor of all the land in the kingdom, which was derived from him and held of him *(Tod,* 32*).* What relates to our feodal system can be understood only in the two last of its three stages, when it abounded with corruptions, introduced by the clerical lawyers from the civil law.

— 62. *Arascides.* Read *Arsacides.*

— 72. *Maharana.* Read *Maharaja.*

— 92. *Received the appellation of Barbarian in an honourable sense.* Selden, who however held the opinion that the German and other northern invaders of the Roman provinces, borrowed Latin words to express their own ideas, observes, that these people, "in framing their words out of Latin, so esteemed the word *gentilis*, by which they found themselves styled in the Latin, that they made use of it in their own language as a distinction or note of honor for such of them as were of the more eminent quality, or in truth, *nobiles*, and were, it seems, ambitious to be honoured by the very

name which the Romans had used in scorn of them. And that especially, because all being in those parts, after the irruptions of those nations, either *Gentiles or Romani*, the Romans (if you consider them as subjects of the empire), were generally in a far worse condition, in regard of subjection, tribute, and the like, than any subjects that were not as slaves to the better sort among other nations. And therefore the better sort of those nations, to express their liberty perhaps, which was dearest to them, and so much differed from that of the Romans, were also the forwarder to use that very word, which so properly distinguished them from the Romans. To this purpose, 'Hinc nimirum fluxit,' saith the learned M. Velserus *(Rer. Aug. Vindelic. l.* viii.*)*, 'quod cum Barbari in devictis provinciis meliori quam Romani jure uterentur—gentilitatis nomen dignitatis existimationem induxerit, paullatimque eo res prolapsa sit ut *Gentiles homines* absolute pro *Nobilibus* dicerentur, quæ in Italia et Gallia, item Hispania et Britannia quodammodo ad hoc ævi tenet, atque, ut ineptias inanium opinionum rideas, si quem ibi *Gentilem* compelles, honori deputet; si, quod idem est, *Barbarum*, insignitam sibi illatam contumeliam opinetur.' "—*Titles of Honor, p.* 862.

P. 111. *Another word meaning man in the sense of warrior was introduced to the* north *of Europe.* This should be *south.* The Longobards might indeed introduce *ber*, or *fir;* but the Saxons had *wer*, and the Germans *bar* or *bær* before their arrival.

— 121. *Wachter supposes* drost *to have been* drottsæt. He is not confirmed by the French *drossart*, a grand bailiff, which is Frankish properly, and literally a kind of governor.

— 122. *Druerie.* To this class of words belongs the Low Latin *drudi*, "Sine solatio et comitatu Drudorum atque Vassorum, &c."—*Capit. Car. Calvi, tit.* xxiii, *c.* 4.

— 126. *Bell-house.* The reference to this should have been L. Merc., and not L. Merr. The second article of the Mercian Law, on ranks, is given in a note, p. 358.

— 126. *Tinel du Roy.* "La Court de Seneschalle et Mareschall del hostiell du Roy ne la jurisdiction dycelle ne passe lespace de douze lewes a counters le Tenell du Roi."—*St.* 13 *Rich.* II. *st.* 1, *c.* 3. The *lewes* or miles were to be counted from the house or palace.

— 127. The Anglo-Saxon *met*, meat, in the sense of *feodum*, resembles the Dutch (or Low Saxon, as Bellenden calls it), *miet*, a stipend; as "mij hoor miet!" I have a right to my dues, namely, the stipend of a priest. —*Archæology of Popular Phrases and Nursery Rhymes, Vol.* I, *p.* 258, *and p.* 287.

— 142. *The etymological cognate is* bellare. The word whence come the Low Latin *fello*, and corruptly *felo*, is O. Germ, The following derivations are taken from Dr. Noah Webster's Dictionary, 1831, and Mr. (now Dr.) Richardson's Etymological Dictionary, 1836.

Felon.—Fr. *felon*, Low Lat. *felo*, Arm. *fellon*, It. *fello* or *fellone*, a thief. I accord with Spelman in deducing this word from the root of *fail*, the

APPEND. original signification being a vassal who failed in his fidelity or allegiance to his lord, and committed an offence, by which he forfeited his feud. Hence, in French, *felon* is traiterous, rebellious. So the word is explained and deduced in Gregoire's Armoric Dictionary. The derivation *fee* and *lon*, in Spelman, copied by Blackstone, is unnatural.

Dr. Webster.

FELON.—Skinner says, either from the A.-S. *felle*, Fr. *fellon*, It. *fellone*, crudelis, cruel, *fell*, or from *feah*, beneficium, stipendium, and Germ. *lon*, pretium (sc.), the crime that is punished by loss or forfeiture of the fee. Hickes *(Gram. Franco-Theo. p.* 95*)*, is of the former opinion, and Spelman favours the latter. According to Hickes, the forfeiture of the fee was an incidental punishment, adjudged to the *felness*, cruelty, or atrociousness of the crime. According to Spelman, this forfeiture was the cause of the imposition of the name upon the crime so punished. Vossius *(de Vitiis, p.* 202,*)* proposes the German *faelen*, vel *feelen*, errare relinquere, cadere. This etymology is noticed by Spelman, and rejected by Wachter, quia non explet mensuran criminis. The common usage among our old writers, as well as among the French, confirms this opinion of Hickes.

Dr. Richardson.

P. 171. Rajna, *a queen, should be* rajni.

— 177. The derivation of *drott*, *dryhten*, &c. may not be correct, for these terms may after all be the Sanskrit *dhriti*, a firm person, which with *rita* (see *rector*), is found as the proper name of an allegorical descendant of *kuni*, a prince so called, whence, it may be, come the various cognates of *konungr*, *cyning*, king *(See p.* 194*)*. *Drott*, *dryhten*, and the cognates will, in this case, still belong to the class of titles denoting personal ability to protect.

— 180. The derivation of *raja*, *rex*, from *ragh*, may not be correct. Pott deduces *rex* from *regere*, and *raja* from *raj*, to shine, or to be splendid. His observations under the Sanskrit roots *ranj* (tingere), and *raj* (splendere), are as follows: " S. RAJAN (rex), des Glanzes, der grossen Pracht wegen. Hiemit scheint sich das Lat. *reg* sehr nahe zu berühren; gleichwohl leite ich dieses, wie jedermann, von rad. *reg* (richten, lenken), indem ich die Möglichkeit des Quantitätwechsels durch *reg-ula*, wie *teg-ula* von *teg*, beweise. Ich halte daher die Uebereinstimmung von RAJ-AN und *reg*, Goth. *reiks* (princeps).—*Etymol. Forschung.* I, *p.* 237. The Sanskrit *raji*, a collection, applied to people, is a society.

— 184. The Copy of Amera Cosha (not *Costra*, as in the note), is that of Colebrooke.

— 185. *The loftiest titles in Europe have an exceedingly humble origin.* In the reflections which M. Arnaud makes on the manner in which the Roman history is written, he has the following just remarks on the kings of Rome and their subjects: " Quels étoient les prétendus rois de ce ramas de quelques brigands? N'ètoient-ils pas visiblement des chefs de voleurs qui partageoient un gouvernement tumultueux avec une petite horde féroce et indisciplinée?

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"Ne doit on pas, quand on compile l'histoire ancienne, faire sentir l'énorme différence de ces capitaines de bandits avec de véritables rois d'une nation puissante?"—*Variétés Literaires, t.* iv, *p.* 246.

P. 188. "*Does not appear to have been known.*" We can scarcely suppose a leader, even of the banditti in the preceding note, without some authority, and however limited it might be, he would still be all that Sir Francis requires for a king. His etymology, from *can* or *ccan*, the head, and secondarily, the chief, does not convey more than the derivation of the Roman *rex*, from the Hebrew *rosch*, head. With respect to the early chiefs as legislators, *Dicæneus*, among the Goths, is particularly mentioned as governing by his own laws; and the first acts attributed to Odin, are making laws and appointing administrators of justice throughout Scandinavia.

— 197. *The Judges of hundreds.* These judges, called *hunnones*, are mentioned in a charter of the emperor Henry III, in 1056, and in another of Henry IV., in 1065: "Constituimus etiam atque jubemus, ut advocata in abbatia illa non nisi ter in anno placitare debeant, et illi qui hunnones in quibusdam locis dicuntur, tertium tantum anno, nisi recens furtum fuerit, aut ex parte abbatis facta fuerint, placitum habeant."—*Du Cange,* III, *col.* 1260.

— 200. Gramur, *an epithet of king.* From the Sanskrit *grama*, a village, mentioned in the note, the word *gramur* affords another of the numerous appellations of men from the act of eating or supplying others with food. *Grama* is derived by the Hindu grammarians from *gras*, to eat, to devour.

— 209. *Fra, fru, vrouw.* On the general correspondence of Sanskrit *P* with Goth. *F*, O.H.G. *V* (See Pott, *Etymol. Forsch. t.* 82), I have suggested *prabhuh*, a master, as the etymon; but on reconsideration, I do not think that mistress, but that wife, is the first signification, and lady the second. In this case, it is either a derivative or a cognate of *bharyya*, a wife, and woman of the second order of nobility; from *bhri*, to support, nourish, maintain. Against this there is the general agreement of *bh* with *b* in Gothic, and *p* in O. H. German.

— 214. *Nothing more than* (of) *a noble family. Æthel*, variously spelled in the dialects, by itself, means native country; but in this word *ætheling*, it is manifestly in the sense of Norse *ættar*, affinity by blood, connected with Goth. *atta*, a father. The meaning of *-ing* has been sufficiently explained; but it may be mentioned that Wachter conceives that it is the Keltic *engi*, to bear children, to be born, and so to mean indigenous in Gentile names; as *Thuringi*, from mountains; *Marsingi*, from lakes; *Talingi*, from dales, etc. The termination, however, is not constant to this derivation, for he says that in dwellings, districts, cities, regions, it signifies earth, by *anastrophe* of γῆ. This latter opinion he tries to support by Ottfried's *heim-inge*, the land of the virgin's dwelling:—

> "Thia muater ouh bibringe
> zi iro heiminge."
>
> *L.* 1, *c.* 21, *v.* 9.

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Thy mother also brings thee back
into the land of her dwelling.

Ottfried, restricted by the laws of metre, used the nearest word that would suit the original. His *heim* is a home, and his *inge* is that which is, not exactly a home, but partakes of the nature of a home, namely, a dwelling place in a larger sense than a house. (See the Sanskrit *-in*, which explains *-ing* in both cases, as well as the Keltic *engi*, *p.* 170.) *Ham*, *heim* (home), he explains to be a natural covering and ordinary shelter, from the Scythian (?) *heimen*, to cover; as A.-S. *cildhama*, the womb. I suspect that, originating when men were in the hunting and pastoral state, it was the place in which meals were taken. Sanskrit *jhim*, *jam*, *cham*, *jim*, *chham*, to eat. *Helm*, in the Teutonic dialects, in all its varieties, is a covering, and appears to be connected with Sanskrit r. *chil*, to clothe.

Page 215. *Reguli and sub-reguli.* A very ancient title of a nobleman in office among the Chinese is *regolo*, and Mewar, *rawul*. It is, therefore, not quite certain that *regul-us* is the diminutive of *rex*. *Rex* is *rakshi*, and *rege*, *raja*; and between *regulus* and these eastern appellations there is little difference. Col. Tod says, "*Rawul* or *Raoul* is yet borne as a princely title by the Aharya prince of Dongurpoor, and the Yadu prince of Jessulmer, whose ancestors long ruled in the heart of Scythia. *Raoul* seems to have been titular to the Scandinavian chiefs of Scythian origin. The invader of Normandy was *Raoul* corrupted to *Rollon* or *Rollo*." *(Rajasthan*, I, *p.* 213.*)* In Norse Saga, this *Raoul* is *Hrollaugur*. In the popular language of the Carnatic, *raya* is a king, whence *rawul*, *regolo*, &c.

— 220. The opinion that the sons of the kings of England were earls by birth, may be a reminiscence of the Anglo-Saxon policy, may also be owing to the practice of William I., for though Neustria appears to have been ceded to the Norse Jarl Hrollaugur or Rollo, as a dukedom; nevertheless William I., of England, "in his Saxon style of Normandy, called himself only earl of it, which in that age was translated *princeps Normanniæ*. But he used that name for those that were then the *comites* of England. And *comes* and *dux* were used indifferently in Normandy. From that age the Latin word *comes*, and the Danish *earl*, has expressed the same thing."—*(Selden, Titles of Honor, p.* 610.*)* If William's immediate successors of the Norman Line adopted the Saxon style, they must have employed the same word *eorl*, because *heretoga*, though in sense and etymology *exercitus dux*, did not admit the Continental acceptation of the sovereign *dux*. No diplomas of the kind seem to exist of an earlier date than 42 Hen. III., when *duke* had acquired the *quasi* regal signification. This monarch, in a singular proclamation, issued A. D. 1258, styles himself, "Henr' thurg godes fultume king on Engeloande. lhoaverd on Yrloand. duk on Norm'. on Aquitain. and eorl on Anjou."—*Pat.* I, 3 *Hen.* III., *m.* 15 *in Turr. Lond. apud Rymer, Fœdera, t.* I, *p.* 378.

— 220. *Earls of Socburn were gentlemen of the same class.* I suspect that gentlemen who obtained this title by popular acclamation, were des-

cendents from persons who had received writs of summons to parliament before the distinction of minor and greater barons arose. The lords of the manor of Warrington were long styled barons, because one or two of the Butler family had been so summoned. There was the baron of Kinderton, so recently as the Parliamentary wars; and I think there is a baron of Hilton at the present day. Selden says: "The word *baro* hath also been so much communicated that not only all lords of manors have been from ancient time, and are at this day, sometimes called barons (as in the style of their Court Barons, which is *Curia Baronis*, &c., and I have read *hors de son Barony* in a bar to an avowry for *hors de son fee)*, but also the judges of the exchequer have it."—*Titles of Honor, p.* 688.

P. 228. *Transpose* gefera, *a companion, in order to make* gerefa. Sir F. Palgrave seems to adopt their opinion *(Engl. Const.* I, *p.* 81, *n.)*. Lye is fully persuaded of the truth of this singular fancy: "GEREFA, comes, socius, præpositus, præfectus: hinc vox recentior *greve*, *graf (graphio)*, *reve*, cum compositis—tandem vero, quocumque demum occurrit hæc vox *gerefa*, nihil aliud sonat quam *gefera*, comes, *cujus locum per metathesin occupat*:" to which Wachter adds, "Atque sive *gefera* dicas, sive per anagramma *gerefa*, semper comitem dicis, socium, atque sodalem."

— 229. *Of all these words, the low English* grabber *is the undoubted cognate.* When this was written I had not seen Lassen's note on the word "*durgribho*," in the hymn of Atreya, on the God Agni or Fire, from the Rigveda. It appears that the root *grah*, to take, seize, apprehend, to which I refer *gerefa*, *graff*, and the like appellations of a fiscal officer, was anciently *grabh* (pronounced *grav*), as in the compound above, consequently *grahaka*, a police officer, was *grabhaka*, and *graha*, a receiver, *grabha*. Lassen cites as cognates the Gr. *gripeus*, *gripeuo*, *griphos*; Zendic *gerew*, part. *gerepta*; "et nisi fallor Latinum *rapere*."—*Anthol. Sscrita. p.* 136.

— 236. *Bellagines.* These were the civil laws of Dicœneus, a philosopher among the ancient Goths: "Dicœneus Gothis physicam tradens," says Jornandes, "naturaliter propriis legibus vivere fecit, quas usque nunc conscriptis *bellagines* nuncupant."

— 240. The *bhala* is the sign manual of the Saloombra chieftain, as hereditary premier of the state of Mewar. Pott derives *bajulus (p.* 241*)*, from the Sanskrit *wah*, vehere, to carry.—*Etymol. Forschung.* II, *p.* 276.

— 244. *Castrum.* The following is Prof. Pott's derivation of this word: "*Castrum* etwa vom *cadere* (sich niederlassens) und *castrare* von cædere."—*Ib.* II, *p.* 256. It seems more probably derived from the materials of the building.

— 277. *Hærgravius, found by Loccenius in the* Chron. Asiat. It should be *Ansiat.*, a Chronicle of the Anse or Hanse Towns.

— 279. *Marquis*, which is considered *(p.* 279–281*)* to be derived from *mark*, a boundary, and so to denote the lord or governor of the boundary, is conjectured by Pott to be the same as the Bas Breton *marc'heh*, a cavalier, from *marc'h*, a horse; as Gaelic *marcach*, a horseman, from *marc*, a horse. These words, as well as the old Keltic *marca*, Welsh *març* (a

APPEND. horse, stud, stallion), Old High German *merikha*, a mare, and perhaps the Hungarian *marha*, a cow, appear to be referable to the Sanskrit *mriga*, a deer, or any wild beast *(Ibid.* II, *p.* 116*)*. As the Sanskrit *mriga* comes from the root *mrig*, 1. 4. to search for, and *mrig*, in infinit. *margitum*, appears to be etymologically related to the root of *mark;* the immediate derivation of *marquis* and *mark*, a boundary, is not affected. As to the A.-S. *mear*, it seems clearly descended from Sanskrit *mar*, and to have been originally rather an epithet than the name of the animal. It may be further observed that the derivation of *marquis*, from this name of a horse, although it is referable to the same original as *mark*, a frontier, boundary, does not agree with the history of the word. The first *marchiones* were the guardians or governors of marches: "Carolus misit et accersivit filium suum bene equitantem, cum omni populo militari, relictis tantum Marchionibus, qui fines regni tuentes, si forte ingruerent, hostium arcerent incursus."—*Aimon. l.* V, *c.* 2. The first marquis among the Franks was Gero Marchio, who held the Saxon frontier against the Slavonians, in 950.

P. 280. Ban, *or lord governor.* "Ban turris et Hungariis præses alicujus regni. Propric tamen Ungaris, banni sunt peculiares gubernatores regnorum, ad Ungariæ coronam spectantium, ut Dalmatiæ, Croatiæ vel Sclavoniæ."—*Spelm. Gloss. p.* 62.

Ban, a banner, hence *ban-leuca*, a district round cities, towns, monasteries, &c., endowed with certain privileges; and *bannum, bannire*, are from the Saxon *ban*, an edict. In German, *königs bann* was a superior jurisdiction by the king's authority; *burgbann*, a municipal, and *bhutbann* a criminal jurisdiction. The original meaning is perceptible in all these terms.

— 281, *n.* "Marha, Marha," *quod est apud eos signum bellicum exclamavit. Mar* is the war shout of the Rajpoot warrior, when he invokes *Har*, the god of war. The word *mar* signifies the evil striker; and *Har* or *Hara* is the name of Siva, the destroyer of the world, from *hri*, to seize by force.

The explanation of *mar* is Col. Tod's; but may it not have been originally the same as the Scythian *marha*, which, however, might mean "to horse!" A.-S. *mearh.*

— 298. *Admiral.* Though *Commodore* is unquestionably a feodal title, it may be disputed with good reason, that the *Admiral* has any pretensions to be so considered. It followed rather as an appendant to the English conversion of a Spanish feodal title to a naval use, just as *admiral* superseded *capitaneus maris.* Matt. Paris, sub anno 1272, however, makes it equivalent to *consul;* and *consul* it is well known was an early translation of *earl*, and synonymous with *comes.* "Admiralius Jopensis, natione Saracenus; quæ dignitas apud nos consulatus vocatur."—*Vide Spelm. Gloss. p.* 12.

— 317. The Sanskrit *praudah*, proud, appears to be connected with the root *prid.* The *d* of *praudah* is a cerebral *th*, for which we have no character, and which represents a sound that is not found in any European

language. As it is manifestly passed into the European *d*, *praudah* is given as the sufficing orthography of *prauthah*. Used for *protha*, it is a compound of *pra* and *utha*, the participle of *vah*, *vehere*, and signifies *carried along* or *forward*. APPEND.

— 319. *Heri*. *Hara*, a name of Siva, should have been introduced instead of *Heri*.

— 325 *Baron, in the Laws of William* I. Sir Henry Spelman says the word *baron*, was introduced into England by the Norman—"vel cum Edwardus Confessor aures moresque imbibisset Normannicos." The first mention of the word which I have met with, is in Domesday VII, 367, where it is said : "hanc terran invadiavit abbas et barones regis." And Eadmerus, who lived in the time of Henry I., speaking of William I., says: "Nulli episcoporum permittebat ut aliquem de baronibus suis, seu ministris excommunicaret."—*Cruise, on Dignities*, I, 51.

— 337. Low Latin *caballus*. It is Low Latin only in its signification, which in the middle ages had ascended from the sorry jade or nag of Horace, to the military charger. I doubt the derivation from *kap*, and refer to note, p. 340.

— 340. *Signifying the proprietor of this cow land*. There are many fanciful derivations of the Latin *baccalaureus ;* as from *bacca lauri*, because successful candidates were crowned with laurel ; from *baculo*, a cudgel, because boys were cudgelled to compel them to study. Others suppose the word to have been *batalarii*, because they *battled* or contended for mastery in learning. Wachter suggests A.-S. *boc*, a book, and *lareow*, which, however, does not mean a student, but a preceptor.

— 363. *A term which denotes the "rascality."* The term *commoner* includes gentlemen descended from old baronial families in the time of Henry III., of whom a few are still extant, and who possess a nobility which monarchs cannot confer, or truly speaking, exalt. After these come such as Wake, Blount, Clavering, Malet, Astley, Gresley, Beaumont, Corbet; and a few more equally ancient, though only of knightly rank in those days; such as Barrington, Clifton, Egerton, Burdett, Croft, Dering, Mordaunt, Bedingfield, Oglander, Tyrrel, Kynaston, Knightley, &c. "Many of these," says the collector of the names, "are in possession of fair estates, and retain their stations in society with honor." Families of this kind, vying with the titled nobles, and sometimes excelling them in the chief attribute of nobility, are degraded by the unsuitable appellation.

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more traces of them in A.-S. laws than in many Germanic codes of same period, 143; people, their difficult conquest of Britain, 146.

Antrustio, *Low Lat.*, a liege subject, faithful vassal in office; from Sskt. r. *dhru*, to be stedfast, 121.

Apothecary, *Gr.*, an officer, *i. e.* keeper of place where confections were made or preserved, 272, *n.*

Arbergaria, *Low L.*, right of a feodal lord to free quarters; see *herberg*, 135.

Arberge, *O. F.*, id. *ib.*

Armiger, *Low Lat.*, one that carries his master's armour, 346.

Arms, rite or custom of swearing upon, 112. See *Wapnatak.*

Army, among the Irish, any number of soldiers; the A.-S. *here*, a gang of thirty-four thieves; the Norse *her*, one hundred people; the Longob. *exercitus*, four armed men, 202, *n.*

Army leaders, their appellations, 123.

-arn, -ern, -irn, -orn, -urn,—terminations in the Indo-European languages, from Sanskrit *urna*, to cover, 263.

Arsacides, their feodal system, 62.

Ataman, a Cossack chief. See *atta*, 28.

Athanaricus, the Goth. conqueror, a *learned judge*, meaning one skilled in the art of war, 183.

Atheling, from *A.-S. ætheling*, man of noble race; Judge Blackstone's opinion, 10, *n.*; above an *alderman* in Canute's time, 14. See *Edlingi.*

Ath, hyld, *A.-S.*, oath of fealty, 113; form of, 114.

Athsweord, *A.-S.*, oath sword, 181. See *arms, wapentake, wapnatak.*

Atta, *Goth.*, a father, from Sskt. *ad*, to eat, 41.

Auberge, *Fr.*, place of entertainment. See *arberge, herberg.*

Aul, *O. Norse*, ale, explained to be *aliment* in the Edda, 27, *n.* See *al, alodh.*

Aula, *Lat.*, a hall, court; Goth. *alh*, a temple; Sskt. *alayan*, a hall, 243.

Avenor, *O. E.*, from Fr. *avoine*, from Lat. *avena*, oats, with the common termination *or=ari, eri*, &c.—(See *For. Q. Rev.* X.) This termination denoting a man, and erroneously explained by Lat. *vir*, A.-S. *wer* (as in *burhwar*, citizens), is the Sskt. r. *irr*, to move, one that has life, an animal. *Avenor* was an officer of the stable, 293.

Babas, a title of vassals of the royal family in Mewar: see *Child, Enfans, Infanta*, &c.

Baca, *O. Span.*, a cow, from Lat. *vacca*, *id.* 340.

Bacalaria, *Low Lat.*, cow land, apparently equivalent to oxgang of land, 340.

Bacalaria dominicaria, &c., demesne cow land, *ib.*

Bacalaria facere, 341.

Bacalarius, *Low Lat.*, same as the French *baceler* and *bacheler*, one that holds a *bacalaria*, 340.

Baccalaureus comes, *Low. Lat.*, a bachelor companion, 338.

Bacele, Bacelle, *O. Fr.*, *(baca*, a cow,) a cow land, 340.

Bacellor, *O. Fr.*, holder of a *bacele*; a bachelor, *ib.*

popularly given to gentlemen whose ancestors were summoned to parliament, *Addit. Notes* on p. 220; its Asiatic and European cognates, 305; division into great and less, 307; an importation from France, 321.

Barones, farones, varones, &c., *Low Lat.*, barons, 301, &c.

Barons, *great and less*, 307.

Barony, government of, resembled that of a kingdom, 231.

Baronye, *O. E.*, employed for *kingdom*, 323.

Barns, *Low Lat.*, a man, 94, 306.

Baschevalier, *O. Fr.*, an inferior knight, supposed to be a *bacheller*, 341.

Basileus, *Gr.*, a king, probably from Sanskrit r. *pash*, to dispose in order: title of some Saxon kings, 200.

Batal, *Arab.*, a champion, *Persic*, cutting, 303.

Batta, in *Bengali*, military service, pay or rations. See *bhatta, feod,* &c. 50, *n.*

Battle, *Fr. battaille*, a trial of strength. See the etymology, 303, *n.*

Baupje, a royal title in Rajasthan, literally answering to *sire*, in the sense of father, 328.

Beefeater, *Fr. bœufetier*, a contraction of *langue de bœuf*, a kind of spear, 45.

Bellagines, *Low. Lat.*, bye laws among the Goths, 236.

Bellhouse, a Saxon relic of the sounding war shield in the ancient *herberg* and *heristall*, 126. See *tinel du roy*

Benefices, *Lat. benefacere*, to do well to another; origin of, 66, *n.*

Beneficium et munus, *Lat.*, benefice and gift, 76, 141.

Bengali military service, statement of the *batta*, and emoluments of an artillery officer, 50, *n.*

Beod geneat, *A.-S.*, a table participator, table companion, palace count, 157.

Beorn, *A.-S.*, a nobleman, a prince, 158: from Sanskrit *vira*, a strong man, a hero. It is probably the *A.-S.* form of *baron.*

Berewic, *A.-S.*, a berwick, place of defence, the name of a *dreng*, 160.

Berne, *Scot.*, Pinkerton's derivation, 321.

Berné, *O. Fr.*, a nobleman, the same as *baron*, *ib.*

Bers, *O. F.*, for *baron*, *ib.*

Bhadilah, *Sskt.*, a strong man, a hero, 303, *n.*

Bhaj, *Sskt. r.*, to serve: see *ambacht, ambiht*, &c.

Bhala, *Hindûstani*, a lance, sign manual of the hereditary premier of Mewar, 240.

Bhan, *Sskt. r.*, to shine; *bhanu*, the son, a prince, 280. See *ban, banner, fahn, fan, fana, vahn.*

Bhat, *Sskt. r.*, to nourish, feed, 40, 46, 49; etymon of *feodum*, food, *paiti*, pay or ration, *bhatta*, &c.

Bhat, *Hindû.*, boiled rice; from preceding, 50, *n.*

Bhata, *Hindû.*, military pay or allowance, *ib.*

Bhatah, *Sskt.*, a soldier, one that receives *bhati*, 46.

Bhati, *Sskt.*, from *bhat*, wages, pay, ration, 49, *n.*

Bhatta, same; in Mewar a ration, 50, *n.*

Bhogika, *Sskt.*, an eater, a groom; from *bhoga*, eating, 46.

Bund, *Pers.*, from Sskt. *bhundatum*, to maintain, the etymon of *bonde*, *-band*, *fund*, *fundus*, &c., 131.

Buoni homini, buonomini, *Ital*, goodmen, countrymen, 315.

Burg, *Teut.*, a castle turretted and fortified: probably the Sanskrit *puri*, a city; defined to be a collection or cluster of houses, 359, *n*.

Burgenda Holm, *O. N.*, the isle of the Burgends, now Borneholm, the ancient seat of the Burgundi, 192, *n*.

Burgesses, superior to commoners, 361.

Burggraff, *O. G.* the graff of a *burg*, 277.

Burgh, *Eng. & Scot.* from A.-S *burh*, a city or borough, a place fortified with a castle, 254 & *n*. Sir W. Scott's description of ancient burgh in Zetland, *ib.* & 256.

Burghgreve, *O. E.* a sort of bailiff, the same as boroughreve, 278.

Burgundi, king of, called *hendinos*, the signification and etymol. of this word, 190, 192.

Burh, *A.-S.* a city, town, compared with Skst. *puri*, same, 254 *n*.

Burlaw men, *Scot.* bye law men, 236.

Burschap, *Iceland.*, place of meeting to make bye laws, *ib.*

Burthegn, *A.-S.*, a bower (chamber) thane, a chamberlain,

Busellarius, *Low Lat.*, a leather wine-bag keeper, 263.

But, butt, from A.-S. *butta*, *bytta*, a bag of leather, 264.

Butelaria, butellaria, *Low Lat.*, butlery, 263 & *n*.

Butericas, *A.-S.*, leathern bags, 265.

Buticula, *Low Lat.*, a little leather bag, 264.

Buticularius, 263.

Butler, 261, &c., a bottler, or leather wine-bag keeper, 264.

Butler, family of, their arms are *skinks*, 265.

Butta, *Lat.*, a boot, butt, leathern bag, 264.

Byelaws, explanation of, 235, 6.

Byle, bylle, *Sw. & Nor.*, a little habitation; a vill; Sskt. *palli*, a village, 236.

Byrel, *A.-S.*, a bearer (of liquor to drink), 267.

Bytta, see *but*.

Caballaria, *Low Lat.*, from *caballus*, a horse in trappings; the same as *chevalerie*, the tenure and tenement of one that holds by horse service, 337.

Cabaliero, *Sp.*, a chevalier, 337.

Caballiero, *Sp.*, *ib.* 236.

Caballus, *Low Lat.*, a horse; Sskt. *kap*, to move. It is the cognate of Gr. *hippos*, Siles. *hampel* and *happel*; Sw. and Dan. *hoppa*, and our *hobby*, 337, 340, *n*.

Caffres, their treatment of the old and infirm, 31, *n*.

Cameræ houetmannorum, *Low Lat.*, chambers or sessions of the *head-men* of a city, 210. See *haubtman*, *heofodman*, &c.

Camerarii, *Lat.*, chamberlains, officers in the household of Anglo-Saxon noblemen, 156, *n*.

Camerlengus Major, *Low Lat.*, a chief chamberlain, 272, *n.*: from an un-

Duces, *Lat.*, dukes, a title of aldormen, 215.
Duke, a leader with absolute power, 202. See *heretoga.*
Duel, ancient law, 159, *n.*
Dux Francorum, title of a mayor of the palace, 251.
Dyeta, *Low Lat.*, a diet. Du Cange's mistake, 181, *n.*
Dyot, *O. E.*, a diet; from Goth. *thiuda, ib.*

Ealdor, *A.-S.*, an *aldor*, q. v. *hundredes ealdor.*
Ealdormen, *A.-S.*, aldermen; kings of Wessex, 28; erroneous derivations, 29; Anglo-Saxon ditto, 32; used by king Alfred for the *prætores* and *præfecti* of Orosius, 215. See *aldoras, aldorman.*
Earl, from A.-S., 217, &c.; ancient creation of a king into one, 205, 6; absurd derivations, 217; Sæmund's, 218; translated *princeps* in the title of William I., *Addit. Notes* on, 220; northern earls, 222; some had subordinate earls, 223; popular earls, 220.
Eating, titles, appellations and terms denoting eating or furnishing food, 46. See *brötessen, brötherr, gramur* (in *addit. notes*, 200), *chamuh, faud, paiti, pay, batta, aldii, epulæ et convictus,* &c.
Edda, *O. Norse,* its signification, 375, *n,*
Edeling, *O. G.*, a man of family, 160; corresponds with *patricius,* 169.
Edelknaben, *G.*, noble boys, pages, 292, *n.*
Edlenherren, *G.*, noble barons, 320.
Edlingi, *Low Lat.*, for *nobiles*, 170.
Einvaldskonungur, *O. N.*, a king of single power or rule, namely, an arbitrary monarch, 205.
Elder, see *aldor.*
Embassador, see *ambascia.*
Emphyteusis, *Gr.*, suggested by Sir F. Palgrave as the etymon of *feodum*, 50.
Enfant, *Fr.*, a child; title of an heir apparent, 327.
Enfes d'Angleterre, *O. F.* In preceding, prince of England, 327. See *Baba, child, adolescens, infanta,* &c.
Engi, *Kelt.*, to be born; supposed to be the original of the termination *-ing*, in gentile nouns. *Addit. Notes*, 214. See *-in, -ing.*
Eorl, *A.-S.*, an earl, synonymous with *atheling, alderman,* as a title, 215.
Eorles stiward, *A.-S.*, steward of an earl, 252; *—tun,* manor of an earl, 359.
Eriksgata, *O. N.*, the circuit or perambulation of a kingdom for the administration of justice, 274.
Ertzherzog, *G.*, an archduke, the *honored war leader*, 224.
Escantiones, *Low Lat.*, skinkers in the household of Henry II., 266: from Sskt. *sankha* or *shanka*, a shell.
Escheat, one of the incidents of feodality among the Anglo-Saxons and Rajpoots of Mewar, 149, 150.
Escuage, scutage, one of the instances of the feodal system in Saxon England and Rajasthan, 153, *n.*
Escuyer, *O. Fr.*, a shield bearer, esquire, 347.
Esquire, from preceding, 345, &c.

Gentilitas. *Lat.*, rendered *paynemerye* in O. English, 350.

Gentilman, (trewe) *O. E.*, a nobleman, 350; was exempted from hanging, 351; Selden, on the word, *ib.*; creation of, *ib.*; Chaucer's character of, 352.

Gentil ome, *O. Fr.*, a free, and therefore noble, man, 92, *n.*

Gentilshombres, *O. Fr.*; *gentilshombres*, O. Sp. See *gentile.*

GENTLEMAN, 348, &c.; meaning to be ascertained in an action at law, 349; offence in the Court of Honor, to assume the title without right, 353; Sir W. Scott on the word, 354.

Gerefa, *A.-S.*, a fiscal officer, literally a taker or receiver, the same as *graffio*, 229, 277.

Gesellon, *O. G.*, companions or vassals, 55. See *gisello.*

Ge-sidh, *A.S.*, a companion, title of a count, 80; Sanskrit etymon, 81; corresponded with *comes*, 229; changed to *baron*, 231.

Gesidhescundman, *A.-S.*, a man of the quality of a *gesidh*, 150, *n.*

Gesidhesocna, *A.-S.*, the jurisdiction of a *gesidh*, 235.

Gesidhman, *A.-S.*, a count, 230; some had lands, others had not, *ib.*

Gespan, *G.*, a *comes* in Hungary, 82; Waehter derives it from *span*, a tie or yoke; but taking the radical signification of all these antient titles, is it not rather to be referred to the root of A.-S. *spana*, the *mamma*, and so denote a sort of kinsman, or one that derives support from the same source?

Ghasa, *Sskt.*, the etymon of *case*, *hus*, *huus*, *house.* See *Palace Counts.*

GIBBON, his mistake as to the great splendour of an ancient king, 185.

Gioraz hanns mann, O. N., a feodal formula, equivalent to *homo fidelis devenire*, 135, *n.*

Gisello, *G.*, a companion, one dwelling in the same house *(sal)*, 55. See *Palace Count.*

Gisindo, *O. G.*, the same as *gesidh*, 80, 229.

Gi-thigni, *O. G.*, the same as *co-thegn* or *co-thane*, 129. See *thegn.*

God, not derived from *god*, *gud*, &c., virtuous, nor from *gudh*, war, 310,

God, *A.-S.*, brave, prompt in fight, 310.

Godakunds (manna), *Goth.*, a nobleman; a man of a noble, *i. e.* brave family, 314.

Goda mæn, *O. Sw.*, nobility, *ib.*

Godemend, *O. Dan.*, good-men, knights, 315, *n.*

Godehemæn, *Norw.*, good-men, apparently knights of a rank below *hersir*, 314.

God-knygt, *O. E.*, noble, *i. e.* brave knights, 310.

Gograff, *G.*, the *graff* or count; fiscal judge, of a *gau*, territory, 121.

Gomela, *A.-S.*, and not *aldorman* or *ealdorman*, the term for old man, 32.

Gonfanon, *Fr.*, a standard of war, 285: see *gundfahn.*

Goodman, a proprietor, 315.

Goodmen, ready fighters, knights, 310.

Goods and chattels, see *catalla.*

Goodthegns, brave nobles, 310.

Goodwif, goody, see *gudame.*

Hundredarius, *Low Lat.*, a hundredman, 104.
Hundreders, 197.
Hundredes ealdor, *A.-S.*, a centurion, 41, 104, *n.*
Hunno, *O. G.*, a centurion, judge of a hundred, 197.
Husband, 132 : see *Bonde, fundus.*
Hyde, *A.-S.*, a measure of land, called *chursa,* a skin of land in Rajasthan, 47.
Hyldath, *A.-S.*, oath of fealty, 113, 114, 115, *n.*, 151.
Hylde, *Dan.*, verb, to swear fealty, 116, *n.*
Hyldo, *A.-S.*, protection, favour, fealty, 115.
Hyredmen, *A.-S.*, men of the *hyred,* or courtiers, 155.

IGNOBILES, German serfs, 170.
Infantes, *Low Lat.*, young nobles, 327.
Infideles, *Low Lat.*, explained by *fellones,* 143.
-ing, a termination of nouns, not a patronymic, giving its subject a possessive import, 170, 192; *addit. notes* to p. 214.
Ingenui, *Lat.*, well born, noblemen, 168, 170.

JAGARA, *Sskt.*, a coat of mail, 73.
Jagir, *Persic*, a military fief, *ib.*
Jarl, *O. N.*, an earl, ancient creation of, 205; derivation, 217, 218; an illustrious title, 219 : see *eorl, earl.*
Johnny Faa, Fad, or Faw, Gipsey title, a corruption of *senapati,* 42; earl of the Gipseys, 221.
Judex, *Lat.*, a judge; originally one skilled in the art of war, 183; a military officer, 311.
Jus hagestoltziatum, 34.
Jutama, see *Gautama.*
Juvenes, *Lat.*, youths; in Amm. Marcellinus, for *knights*, 102, *n.*; are *cnihtas* and *knechten* attendant on the ancient German chiefs, 169.

KAISER, *Gr.*, an emperor, from the Slavonic *czar,* 167.
Karl, *O. N. & G.*, a working man, 221; the representative of the class of husbandmen, 377.
Kindins, *Goth.*, a governor; etymologically the Latin *centenus* and the Burgundian *hendinos,* a king, 192.
KING, in early times, a nominal title, 79; low condition of, 186; Sir F. Palgrave on the importance of its etymology, 188; synonymes of, 193; probably from Sanskrit *kuni,* with termination *-ing,* 194; the owner of one hundred serfs, a king, 196; king of a *burh* or canton in Eastland, *ib.*; multitudes with the title in Norway, 198, 199; conferred on all sorts of petty chiefs, 185, 200; great numbers that fall in battle, 201, *n.*; changed into *jarl,* 205; in old English, the title of a female sovereign, 207.

Led- or Letgreve, 278: see *Court Leet.*

Lehn, *G.*, *len*, O. N., a fief, 128.

Lenadr madr, *O. N.*, holder of *len*, a man enfeoffed, 128.

Lendir madr, *O. N.*, holder of a *len*, a baron, 128, 129, *n.*

Leod, *A.-S.*, a chief, 230; — court, jurisdiction of a *leod*, 120; — cyning, a prince, 231.

Leod gild, *A.-S.*, compensation to the tribe for *homicide*, 120, *n.*

Leudes, *Teut.*, noble vassals, 2 0.

Levedy, *O E.*, a lady, 208.

Lhoaverd, *O. E.*, a lord, in the English-Saxon title of Hen. III., *addit. notes*, 220.

Libertates, customs of a Saxon court, 156, *n.*

Liberti, *Lat.*, freedmen, 168, 179.

Libertini, *Lat.*, offspring of *liberti*, 169, 173.

Liti, *Low Lat.*, the same as *læt*, 172 and *n.*

Limitis dux, *Lat.*, a duke or commander of the borders, 278; — *comes*, 280: see *Lords Marchers, Marquis.*

Loccenius, his dictionary, a collection of feodal terms, derived from Gothic languages, 68.

Lord, source of bread, 44; Tooke's derivation, *ib*, *n.*; Dr. Johnson's, 45, *n.*

Lordine, lourdan, *O. E.*, men of the quality of a lord, 171.

Lord mayor; see *mayor.*

Lords Marchers, 286, &c.

Lords of towns, 318, *n.*; 359.

Lorverd, *O. E.*, a lord, 318, *n.*

Louerdyng, *O. E.*, same as *lordine*, 171, 172.

Loverd, *O. E.*, a lord, 318, *n.*

Loyalté, fealty, how derived from *fidelitas*, 112.

Lucoman, *Etrusc.*, *lagaman*, a law man, a judge, 39, *n.*

Madame, *Fr.*, proper term of addressing a queen, 209.

Magaczogo, *O. G.*, leader of a kindred band among the Franks; a duke of kinsmen, 54.

Magodriht, *A.-S.*, lord of a kindred band, 54, 330, 332.

Maire de palais, *Fr.*, governor of the palace, 351; from Lat. *major*, or O. G. *meyer*, q. v. See *mayor.*

Maitre de l'office, *Fr.*, an apothecary, 272, *n.*

Major, a Low Lat. n. Subst., derived from one of the German dialects. In Arabia, *mar* is a great lord; and in Mewar, the commander of the armed vassals; a mayor of a corporate town, 239.

Major domus, governor of a household, 251.

Majorissa, *Low Lat.*, a mayoress, 239.

Man, a vassal, 110, 154; the reasoning animal, 300, 301.

Mandryhten, *A.-S.*, a lord of vassals, lord of the homagers, 157.

Manhede, *O. E. manhood*; homage, 114.

Mann-*us*, the progenitor of the Germans, 301.

Purgos, *Gr.*, not the etymon, but the cognate of, *burgh*, 254.
Putta, a military fief in Mewar, 72, *n.*; — *wut*, the holder of a *putta*, a feodal lord, 127.

QUADI, *Lat.*, a nation of hunters, 282.
Quean, had not a bad sense, without an addition, 207, *n.*
Queen, a woman, wife, a royal consort, 207.

RADECHENISTRES, *Domesd.*, a sort of horseman, 331.
Radknights, *ib.*
Rædhere, *A.-S.*, a riding army, cavalry, 332.
Ragineis, *Goth.*, a counsellor, supposed to be connected with Lat. *rex*, Eng. *rich*, Sp. *rico*, &c., 179.
Raja, *Sskt.*, a king; Brahmanical derivation, 179.
Rajpoots, their feodal system immemorial, 38.
Rakshi, *Sskt.*, a king, preserver, nourisher; the etymon of *rex*, 150.
Rawul, Asiatic title of governor, *addit. notes* to p. 215.
Reccere, *A.-S.*, a governor, 180.
Rector, *Lat.*, a governor, 184, &c.
Rege, *Lat.*, from *raja*, 179.
Regolo, a Chinese title of governor, *addit. notes* to p. 215.
Regulus, *Low Lat.*, title of *aldorman*, 215. See *rawul*, *regulo*.
Reiks, *Goth.*, a prince, 178.
Reiter, *G.*, a rider, a knight, 336.
Rekr, *O. N.*, a hero, epithet of a prince, 180.
Relevium, *Low Lat.*, used for the A.-Saxon *heregeat*, by William I., 149.
Relief, of the Anglo-Saxons, 147; introduced by the Sakasenas, *ib. n.*
Reve, in sheriff, &c., 229.
Reviewer, Foreign Quarterly, on early population of Europe, 77.
Rex, *Lat.*, a king; derived by Postal from the Hebrew *rosch*, 173; corresponds with *raja* and *rakshi*, 179.
Rice, *A.-S.*, powerful, *rich*, 307.
Rich, riche, rico, &c., its import, 62, &c.; connected with Sskt. *rikthum*, wealth, 180.
RICHARDSON, on Asiatic fiefs, 70.
Richman, a powerful man, 308, &c.
Rici hombres, ricos hombres, ricos homes, ricos omes, *O. Sp.*, rich or powerful men, nobles, 179, 309.
Ricus homo, *Low Lat.*, a powerful man, a noble, *ib.*
Riddare, *O. N.*, on that rides, a knight, 157, *n.*, 336; — *notta*, knights-companions, 157, *n.*
Ridder, *Dan.*, same, *ib.*
Ridherlikæ, *O. Sw.*, esquires, 157, *n.*
Rihter, *G.*, a righter, rector; a judge, 184, 185, *n.*
Rikr, *O. N.*, powerful, 307.
Rikr madr, *O. N.*, a powerful man; title or epithet of a sovereign, 308.

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